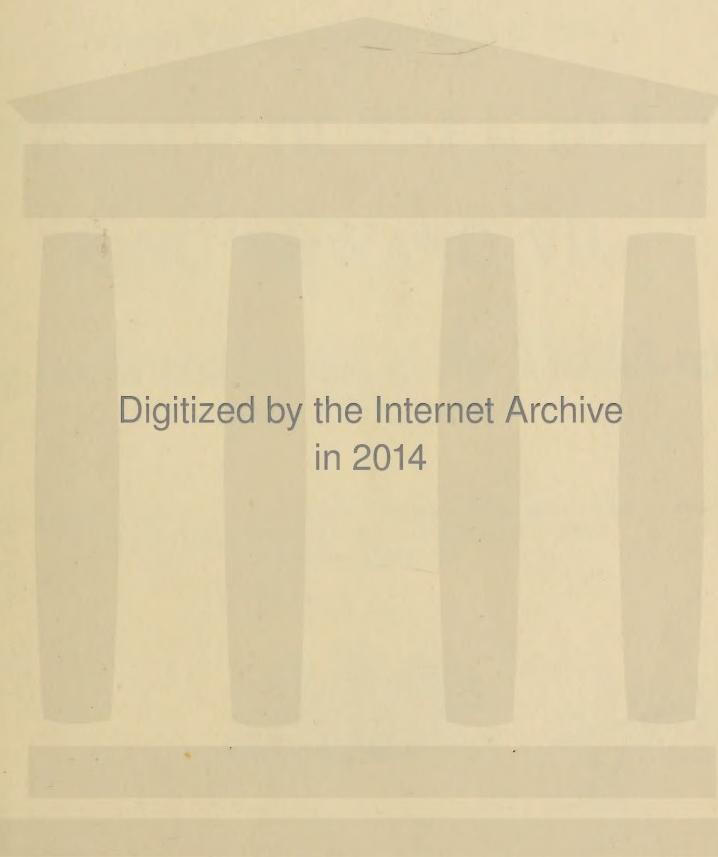


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STATUTES

437

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

FOURTH YEAR OF THE REIGN OF HIS MAJESTY

KING EDWARD VII.,

Being the Second Session of the Tenth Legisla-
ture of Ontario

BEGUN AND HELDEN AT TORONTO ON THE FOURTEENTH DAY OF JANUARY
IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FOUR



63662
13/3/05-

HIS HONOUR
WILLIAM MORTIMER CLARK,
LIEUTENANT-GOVERNOR.

TORONTO:

PRINTED AND PUBLISHED BY L. K. CAMERON
Printer to the King's Most Excellent Majesty.
1904.



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4 EDWARD VII.

CHAPTER 1.

An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand nine hundred and four and for other purposes therein mentioned.

Assented to 26th April, 1904.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour Preamble. William Mortimer Clark, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand nine hundred and four; May it therefore please Your Majesty that it be may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of five million and forty-five thousand one hundred and twenty-one dollars and fifty-seven cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand nine hundred and four as set forth in Schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil service for the month of January, one thousand nine hundred and five as set forth in Schedule B to this Act.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

1 s.

3.

Un-expended
moneys.

3. Any part of the money under Schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine hundred and four, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure
to be accounted
for to His
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE A.

SUMS granted to His Majesty by this Act for the year one thousand nine hundred and four, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto.

Lieutenant-Governor's Office	\$ 3,640 00
Attorney-General's Department	18,010 00
Education Department	22,100 00
Crown Lands Department	73,450 00
Public Works	45,300 00
Treasury	36,750 00
Provincial Secretary's Department	23,230 00
Inspection Public Institutions	19,150 00
Audit, License and Justice Accounts	10,450 00
Registrar-General's Branch	15,100 00
Provincial Board of Health	12,900 00
Department of Agriculture	80,250 00
Insurance Branch	9,150 00
Neglected Children's Branch	6,900 00
Miscellaneous	16,000 00

	\$342,380 00

LEGISLATION.

To defray expenses of the Legislation	186,650 00
---	------------

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice	483,122 29
---	------------

EDUCATION.

To defray expenses of :—	
Public and Separate School Education	514,638 44
High Schools and Collegiate Institutes	128,800 00

Library and Museum	\$9,950 00
School of Practical Science	46,835 00
Public Libraries, Art Schools, Literary and Scientific	66 250 00
Technical Education	25,000 00
Provincial University and Mining Schools	133,880 98
Maintenance Education Department	8,650 00
Miscellaneous	4,837 81
Superannuated Public and High School Teachers	63 300 00
	—————\$1,002,142 23

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto	112,987 00
Asylum for the Insane, London	141,104 00
Asylum for the Insane, Kingston	88,361 00
Asylum for the Insane, Hamilton	131,018 00
Asylum for the Insane, Mimico	79,806 00
Asylum for the Insane, Brockville	88,571 00
Asylum for Senile Patients, Cobourg	27,211 00
Asylum for Idiots, Orillia	77,432 00
Central Prison, Toronto	66,000 00
Ontario Reformatory for Boys, Penetanguishene	28,250 00
Penetanguishene Asylum	10,000 00
Institution for the Deaf and Dumb, Belleville	50,609 00
Blind Institute, Brantford	34,624 00
Andrew Mercer Reformatory for Women and Refuge for Girls, Toronto	31,475 00
General Assistant Physician (Relieving Officer) for Asylums	1,000 00
	—————
	968,448 00

COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration	19,325 00
--	-----------

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture	375,356 00
---	------------

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	375,356 00
	250,676 81

MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.

Government House	\$15,500 00
Parliament and Departmental Buildings	56,245 00
	—————
	71,745 00
	PUBLIC

PUBLIC BUILDINGS.

PARLIAMENT BUILDINGS.

Additional rooms and vault fittings.....	\$ 3,000 00
Improvements in electric equipment, etc.....	1,600 00
	----- \$ 4,600 00

PUBLIC INSTITUTIONS.

Asylum for Insane, Toronto—

Repairs, drains, etc.....	500 00
Material for Infirmary	1,000 00
Hot water heating.....	150 00
Reconstruction of entrance gates (re-vote)	500 00
Exterior repairs and alterations	1,600 00
Interior repairs and alterations	600 00
Coal shed and electric light (part re-vote)	2,000 00
Engineer's supplies and machinery	2,100 00
Furniture and furnishings.....	1,975 00

	10,425 00

Asylum for Insane, Mimico—

Repairs, drains, etc.....	450 00
Gegenstrom baths, two cottages	1,000 00
Exterior repairs and alterations	1,800 00
Coal vaults	500 00
Interior repairs and alterations	800 00
Furniture and furnishings	1,000 00

	5,550 00

Asylum for Insane, London—

Repairs, drains, etc.....	500 00
Reslating roof of main building	900 00
Hose for fire protection	400 00
Extension of coal cellar	650 00
Supplies for engineer's department....	4,890 00
Material for balconies, coal vault, cellar store, kitchen	3,500 00
Material for carpenter's department....	1,300 00
To complete carpenter shop	500 00
Completion of reservoir.....	500 00
Farm and garden	3,515 00
Furniture and furnishings	1,600 00
Purchase of additional farm lands, half payment	12,500 00
Completion of reservoir and heating of Industrial Building	950 00

	31,705 00

Asylum for Insane, Hamilton—

Additional dormitories (re-vote)	500 00
Repairs, drains, etc.....	400 00
Extension of East boiler house	250 00
Improvements in bathing apparatus (re-vote)	500 00

	Improvement

Improvement of heating main building	\$3,500 00
Alteration in water tanks.....	1,200 00
Alterations in boiler feeders.....	750 00
Repairs to sewer and steps on mountain	1,250 00
Cold storage apparatus, main building..	1,000 00
General repairs and alterations.....	2,200 00
Farm and garden	1,000 00
Furniture and furnishings	2,000 00
Curling and skating rink	3,000 00
Balance purchase money Charlton property	5,000 00

	\$22,550 00

Asylum for Insane, Kingston—

Repairs, drains etc.....	300 00
New boiler and covering pipes (re-vote)	1,800 00
To complete Nurses' Home.....	3,300 00
Boiler House, repairs to roof	360 00
Repairs to cottages, residences, etc.....	780 00
Baths and closet fixtures	565 00
Pump and hydrant fittings	80 00
Laundry extractor.....	140 00
Cold storage	1,000 00
Wharf and extension ladders	550 00
Exterior repairs and alterations	330 00
Interior repairs and alterations.....	875 00
Furniture and furnishings	1,260 00
Surgical appliances	150 00

	11,490 00

Asylum for Insane, Brockville—

Repairs, drains, etc.....	400 00
Repairs to eave troughs and gutters.....	1,100 00
Fencing	1,000 00
Spray baths for two halls.....	1,200 00
Weigh scales for butcher shop.....	150 00
Laundry machinery	270 00
Furniture and furnishings	1,215 00
Small engine for work shop.....	200 00
Curling and skating rink	3,000 00
Fittings for slaughter house.....	500 00

	9,035 00

Asylum for Insane, Cobourg—

Repairs, drains etc.....	300 00
Residence for Medical Superintendent (part re-vote)	6,500 00
Repairs, laundry room	200 00
Fencing grounds.....	400 00
Root house (re-vote)	500 00
Railing front entrance (re-vote)	100 00
Fire protection and Engineers' supplies	200 00
Furniture and furnishings	200 00
Underfeed stokers	2,500 00

	10,900 00
	Asylum

Asylum for Idiots, Orillia—

Repairs, drains, etc.	\$300 00
To complete contract roothouse (re-vote)	550 00
Coal sheds and water reservoir at Asylum proper	4,500 00
Stable extension and fittings.....	900 00
Farm and garden	800 00
Furniture and furnishings	1,500 00
Two new heating boilers with con- nections	5,200 00
Cottage for Defectives (re-vote)	5,000 00
Installation of Gegenstrom apparatus....	2,200 00

	\$20,950 00

Asylum for Epileptics, Oxford—

Two cottages under construction (part re-vote).....	26,800 00
Hot water heating and plumbing.....	8,500 00
Electric fixtures and wiring.....	1,000 00
Erection of an administration building	15,000 00
Building site	8,000 00
Water and gas	2,000 00
Out-buildings and fencing	1 200 00

	62,500 00

Central Prison—

Repairs, roofs, drains, etc.....	300 00
Repairs and renewals of buildings.....	2,500 00
Extension of electric lighting.....	2,000 00
Fire protection.....	2,700 00
Isolation cells.....	2,000 00
Green house, etc.....	750 00

	10,250 00

Mercer Reformatory—

Repairs and drains	300 00
Hot water boiler for laundry	900 00
Structural changes to classify inmates...	1,600 00
Renewing fence and painting (part re-vote)	700 00
Enlarging cold storage and renewing of walks	2,000 00
New flooring in Reformatory	1,600 00
Furniture and furnishings.....	500 00
Reconstruction of laundry (completion)	690 00

	8,290 00

Deaf and Dumb Institution—

Repairs and drains	300 00
Two steam heating boilers, renewals ...	2,500 00
Repairs and alterations, general	1,350 00
Furniture and furnishings.....	1,125 00
Educational appliances	300 00
Changing boiler at pumping station....	450 00
To replace Wharf, destroyed by ice and flood.....	1,200 00

7,225 00
Institute

Institute for Blind, Brantford—

Repairs, drains, etc	\$300 00
Sewerage	200 00
Farm and garden	900 00
Educational appliances	350 00
Fire protection	225 00
Furniture and furnishings	825 00
Lavatory and laundry fittings (part re-vote)	2,210 00
	<hr/>
	\$5,010 00

Boys' Reformatory, Penetanguishene—

Contingencies	1,000 00
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Penetang Asylum—

Alterations in building	13,000 00
Furniture and furnishings	4,650 00
	<hr/>
	17,650 00

Children's Shelter, Toronto

Alterations, furniture and fittings	6,000 00
	<hr/>
	1,000 00

Purchase Trinity Medical School Building,

Toronto	7,000 00
	<hr/>
	12,000 00

EDUCATIONAL.

Normal and Model Schools, Toronto—

To complete contract for additions	4,200 00
To complete improvement in heating plant	3,000 00
Dome and completion of ventilation	2,700 00
Equipment of domestic science	1,400 00
Equipment of manual training rooms	1,000 00
Cement walks extension	250 00
New iron covering to roof over theatre	275 00
Repairs, drains, etc	300 00
Equipment of new class rooms, Normal School	1,000 00
Electric light fixtures	400 00
Metal ceiling, painting class room, etc., in Normal School and Model School	1,300 00
	<hr/>
	15,825 00

Normal and Model Schools, Ottawa—

Repairs, drains, etc	300 00
Chairs for class rooms	720 00
Slate blackboards	100 00
Extension of electric light	250 00
Fire protection, stand pipes, hose, iron doors	500 00
Equipment, manual training	1,000 00
Improvements, lighting, ventilation	500 00
Hardwood floor in Assembly Hall and Domestic Science class rooms	600 00
Repairs to boilers	500 00
	<hr/>
	4,470 00
	London

London Normal School—			
Repairs, drains			\$300 00
School of Practical Science—			
New building (part re-vote).....	\$78,000 00		
Plumbing and heating and ventilation (re-vote)	35,000 00		
Equipment, mining and assaying labora- tories (re-vote)	5,000 00		
Equipment mineralogy laboratory (re- vote)	3,000 00		
Equipment chemical laboratory (re-vote)	6,000 00		
To pay outstanding accounts	1,100 00		
Steam pump and motor	3,000 00		
Additional equipment new building ..	10,000 00		
Levelling ground, sodding, walks, etc..	3,000 00		

			144,100 00
Agricultural College, Guelph—			
Completion of furnishing of Macdonald buildings.....	12,000 00		
Grading grounds, laying walks, etc., Macdonald buildings.....	2,000 00		
Balance of fees of Architect of Mac- donald buildings	4,025 00		
Additional apparatus for 4 laboratories.	1,800 00		
Additional poultry houses for experi- mental work	800 00		
Kitchen to Bursar's house.....	500 00		
Renewals, etc. in College Building green- house, etc	3,000 00		
Refitting Kitchen and Laundry	5,000 00		
Furnishings, Massey Hall, Guelph	1,400 00		
Heating Improvements and Electric Motor in Engine Room	850 00		
To complete Electric Railway Extension and Wiring to New Buildings	322 00		

			31,697 00
Dairy School, Kingston—			
Additional Story to Dairy School, steam boiler, etc.....			9,000 00
Government House—			
Sidewalks around property			800 00
	DISTRICTS.		
Algoma—			
Plumbing, court house and gaol, Sault Ste. Marie	1,100 00		
Hot water heating.....	3,100 00		
Electric wiring and fixtures.....	500 00		
Repairs, furniture, etc	800 00		
Water and light per year	1,000 00		
	Site		

Site for Lock-up, Blind River	\$106 00
Lock-up, Chelmsford	500 00
Lock-up, Dryden	500 00

\$7,600 00

Thunder Bay—

Repairs, furniture, etc	500 00
Improvements in heating system, court house and goal, Port Arthur (part re-vote)	900 00
Fencing, painting court house and gaol	1,000 00
Vault in court house and fittings	1,800 00

4,200 00

Muskoka—

Repairs, furniture, etc	400 00
Enlarging building, heating, fencing, etc., Bracebridge Gaol	1,500 00

1,900 00

Parry Sound—

Repairs, furniture, etc	500 00
Fences and tuckpointing gaol	300 00
Re-shingling roofs	300 00

1,100 00

Nipissing—

Repairs, furniture, etc	800 00
Small house for lock-up keeper at Sturgeon Falls	500 00
Improvement to Registry Office, North Bay	2,500 00

3,800 00

Rainy River—

Repairs, furnishings, etc .....	.850 00
Registry office, Fort Francis (to complete), furnishing, etc., (part re-vote)	2,300 00
Plumbing and heating gaoler's house, Rat Portage	450 00

3,600 00

(Total Public Buildings, (486,528 00)

PUBLIC WORKS.

To defray expenses of Public Works..... 128,650 00

COLONIZATION ROADS AND MINING ROADS.

To defray expenses of Construction and Repairs..... 169,650 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands..... 284,443 34

REFUNDS.

REFUNDS.

Education	\$1,000 00
Crown Lands.....	18,500 00
Municipalities Fund	248 32
Land Improvement Fund	2,311 58
	—————
	\$22,054 90

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	123,950 00
---	------------

UNFORESEEN AND UNPROVIDED.

To defray Unforeseen and Unprovided Expenses	50,000 00
Total estimates for expenditure of 1904.	4,965,121 57
	—————

SCHEDEULE B.

SUM granted to His Majesty by this Act for the year one thousand, nine hundred and four and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1905	80,000 00
Total	5,045,121 57
	—————

CHAPTER 2.

An Act to amend The Act respecting the Legislative Assembly.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 2 of section 10 of *The Act respecting the Legislative Assembly* is amended by striking out all the words Rev. Stat., c. 12, s. 10, sub-s. 2, amended. after the word "Province," in the sixth line of the said sub-section.

2. Notwithstanding anything contained in *The Act respecting the Legislative Assembly*, no person heretofore elected thereto shall be held to have been incapable of being elected a member or be ineligible to sit and vote by reason only of being a surety in respect of any contract or agreement with His Majesty or with any public officer or department with respect to the public service of Ontario or Canada, or under which any public money of Ontario or Canada is to be paid for any service or work, matter or thing, or by reason of having been interested in any contract within the provisions of sub-section 3 of section 10 of the said Act.

Sureties for
public officers
or contractors
not disquali-
fied.

CHAPTER 3.

An Act to amend The Election Law.

Assented to, 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 9, amended. **1.** *The Ontario Election Act* is amended by adding after section 68 thereof, the following section:—

Persons not to be appointed election officers after conviction of corrupt practices.

68a. No person shall be appointed or shall be competent to act as returning officer, deputy returning officer or poll clerk who has at any time been found guilty of any corrupt practice, or of any offence under sections 190, 191, 192 and 193, by a competent legal tribunal or by the report of the Judges upon an election petition.

Rev. Stat., c. 9, amended.

Certificate to agent, etc., to vote where stationed.

2. Sub-section 1 of section 94 of *The Ontario Election Act* is amended by adding thereto the following words "The Returning Officer shall not be required to give a certificate under this sub-section unless requested to do so at least two days before the polling day; and he shall be entitled to charge and receive a fee of ten cents for every certificate granted by him; and every such certificate shall be dated, and the date named shall be that upon which the same was actually signed.

Rev. Stat., c. 9, s. 193, subs. 1, repealed.

Penalty for deputy returning officer omitting to initial ballots.

3. Sub-section 1 of section 193 of *The Ontario Election Act* is repealed and the following substituted therefor:—

(1) Any Deputy Returning Officer wilfully omitting to sign or stamp his name or initials on the back of a ballot paper in use for the purposes of an election or to prefix a number to every name in the list of voters for the polling subdivision for which he is to act, as required by section 86 of this Act, shall be liable to a fine of \$20 in respect of every such ballot paper upon the back whereof he has not signed or stamped his name or initials where required by this Act, and in respect to every name to which he has not prefixed a number as aforesaid.

4. Section 67 of the said Act is repealed.

Rev. Stat., c. 9,
s. 67, repealed.

5. Section 9 of *The Ontario Controverted Elections Act* is Rev. Stat., c. 11,
amended by striking out the words "twenty-one days after s. 9, amended.
the return has been made to the Clerk of the Crown in
Chancery of the member to whose election the petition relates
"and substituting therefor the words "forty-five days after Time for filing
the day on which the polling was held for the election of the petition.
respondent named in the petition."

6. Clause (b) of section 3 of *The Ontario Controverted Rev. Stat.,
Elections Act* as enacted by section 1 of the Act passed in the c. 11, s. 3, cl.(b),
62nd year of Her late Majesty's reign, chaptered 6, is amended
by striking out the words "municipalities in which they
reside" in the 4th line and substituting therefor the words
"electoral district."

CHAPTER 4.

An Act to amend the Laws respecting Security of Public Officers.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Orders in Council respecting agreements with guarantee companies confirmed.

1. The Order in Council of the 30th day of December, 1901, and the Order in Council of the 1st day of November, 1902, respecting security to be given by public officers, but excepting Division Court clerks and bailiffs from the operation of the said Orders in Council are confirmed and every agreement heretofore or hereafter entered into with any company under the said Orders in Council or either of them is declared to be legal, valid and binding upon the parties thereto, and the security furnished by or for any officer or clerk under the said Orders in Council and under any agreement entered into in pursuance thereof shall enure to the benefit of the same persons as any bond, covenant or other security furnished heretofore under the provisions of the statutes in that behalf.

Security for
Division Court
clerks and
bailiffs.

Rev. Stat., c. 60.

2. Under and subject to the approval of the Lieutenant-Governor in Council and any regulations made by Order in Council in that behalf, the Inspector of Division Courts, notwithstanding anything in *The Division Courts Act* contained, may from time to time enter into agreements with any incorporated or joint stock company empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of public officers or other like purposes, for insuring or guaranteeing the integrity or faithful accounting of any Division Court clerk or bailiff named in such agreement or in any schedule attached thereto or subsequently added to such schedule under the terms of any such Order in Council and agreement, and every such agreement shall enure to the benefit of the same persons, and shall be enforceable in the same manner as respects any such Division Court clerk or bailiff as a covenant by such clerk or bailiff entered into under section 36 of *The Division Courts Act*.

Rev. Stat. c. 60.

3. The amount of security to be furnished by any Division Court clerk or bailiff shall be determined in the same manner as heretofore. Amount of security to be fixed as heretofore.

4. Where security is furnished under the preceding provisions of this Act, the clerk or bailiff shall file in the office of the Clerk of the Peace a certificate thereof to be furnished by the Inspector of Division Courts, and such certificate shall be in lieu of the certificate required by sub-section 1 of section 37 of *The Division Courts Act*. Certificate to be filed in office of clerk of the peace. Rev. Stat., c. 60.

CHAPTER 5.

An Act to amend The Supplementary Revenue Act, 1899.

Assented to 26th April, 1904.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

62 V. c. 8, s. 2,
par. 5, repealed.

1. The paragraph numbered 5 in section 2 of *The Supplementary Revenue Act, 1899*, as amended by section 5 of *The Supplementary Revenue Act, 1900*, is repealed and the following substituted therefor :—

Tax payable by
railway com-
panies.

5. Every railway company owning, operating or using a steam railway in this Province shall pay a tax of \$30 per mile for one track and \$10 per mile for each additional track, where the line consists of two or more tracks, operated or used in any county in this Province, and \$20 per mile for one track and \$5 per mile for each such additional track so operated or used in unorganized territory, being the districts without county organization; except that a railway company owning and operating a steam railway not exceeding 150 miles in length from terminus to terminus and not being leased to or amalgamated with or forming part of the system of any other company shall pay a tax of \$15 per mile for one track and \$5 per mile for each such additional track.

Joint and
several liability
of companies
respectively
owning and
using.

(a) Both the company owning the line or the part thereof so operated and used and the company operating or using the same shall be jointly and severally liable for the payment of the amount of such tax to the Provincial Treasurer, but the total amount payable in respect of any line of railway shall not exceed the amounts above respectively mentioned notwithstanding that such line of railway is operated and used by more than one company.

Switches, spurs
and sidings.

(b) The measurement of trackage of a steam railway for the purposes of this section shall not include switches, spurs or sidings.

CHAPTER 6.

An Act to amend The Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the frontier in 1866.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the frontier in 1866* as amended by the Act passed in the 3rd year of His Majesty's reign chaptered 3 is amended by striking out the word "January" in the last line thereof and inserting in lieu thereof the word "July."

¹ Edw. VII.,
c. 6, s. 3,
amended.

Proofs to be
furnished by
locatee.

CHAPTER 7.

An Act to amend The Temiskaming and Northern Ontario Railway Act.

Assented to 26th April, 1904.

Preamble

WHEREAS it is expedient to further amend *The Temiskaming and Northern Ontario Railway Act*, and to provide among other things for the extension of the said railway to a point on or adjacent to the Abitibi River;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

2 Edw. VII, c. 9, s. 3, subs. 1, amended.

1. Sub-section 1 of section 3 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the words "a point in one of the townships adjacent thereto," in the sixth line thereof the words "and thence to a point on the Abitibi River or to a point in one of the townships adjacent thereto."

3 Edw. VII, c. 4, s. 3, amended.

2. Section 12 of the said Act, as amended by the Act passed in the 3rd year of His Majesty's reign chaptered 4, is amended by striking out the words "twenty-five" before the words "thousand dollars" in the third line of sub-section 1 of the said section and by inserting in lieu thereof the word "thirty;" and by striking out the words "and shall be countersigned by the Treasurer of the Province," in the third line of sub-section 2 of the said section, and the word "countersigned" in sub-section 4 of the said section.

Transfer of lands to Commission for town sites.

3. The Lieutenant-Governor may, from time to time, by Order in Council transfer to the Commission for town sites portions of the ungranted lands of Ontario along the line of railway adjacent to stations, or proposed stations, and the registration of a certified copy of any such Order in Council in the Registry Office, or Office of Land Titles, as the case may be, for the registered districts in which the lands are situate, shall be deemed to vest, and shall vest, in the Commission as trustees for the Province, the lands described in any such Order in Council, and the Commission may for the same purpose acquire other lands so situate by the same means as it is authorized to acquire lands for right of way and

and station grounds, and shall have all the rights and powers with reference to the acquisition thereof as it has with reference to the acquisition of lands for right of way, which lands acquired for town sites shall not, however, exceed one thousand acres for any one site.

4. The said town sites shall not be subject to the charge created by the said Act in favour of the holders of the bonds of the Commission, and the Commission may from time to time lay out, sell, lease, or otherwise dispose of any part of the said lands as it may think proper, and may take mortgages or other securities for any unpaid purchase money.

5. All payments made in respect of the said lands, whether for purchase money or otherwise, shall be deemed to be payments for works necessary to the preservation, improvement and maintenance of the said railway and extensions within the meaning of subsection 1 of section 13 of the said Act as amended, and all moneys received by the Commission in respect of the said lands shall be part of the income of the Commission within the meaning of the said section.

6. The Lieutenant-Governor in Council may from time to time transfer to the Commission by way of loan out of the Consolidated Revenue Fund a sum or sums not exceeding all two million dollars, and may accept the bonds of the Commission as security for the repayment of the said loan with interest at three and one-half per cent. per annum.

Town sites not
subject to
bonds.

Revenue from
sales in town
sites, applica-
tion of.

Loan of
\$2,000,000
to Commission
authorized.

CHAPTER 8

An Act to amend The Agriculture and Arts Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c.
43, Sched. B.
amended.

1. Schedule B of *The Agriculture and Arts Act* is amended as follows:—

Certain townships added to the list of townships where societies may be organized.

(1) By striking out the paragraphs commencing with the words "Parry Sound East" and "Parry Sound West" respectively and inserting the following paragraphs in lieu thereof :—

PARRY SOUND NORTH: The Townships of Himsworth North, Himsworth South, Nipissing, Chisholm, Gurd, Patterson, Pringle and Hardy.

PARRY SOUND EAST: The Townships of Lount, Machar, Laurier, Chapman, Strong, Joly, Ryerson, Armour, Proudfoot, McMurrich, Parry and Bethune.

PARRY SOUND WEST: All the townships of the Judicial District of Parry Sound not included in the above districts of Parry Sound North and Parry Sound East.

(2) By striking out the word "Chisholm" in the paragraph commencing with the words "Nipissing East" and by striking out the words "and the said boundary line continued north to the Ottawa River," and inserting in lieu thereof the words "and to the south of a line drawn westerly from the Ottawa River passing through the northern boundaries of the Townships of McNish, Pardo, Hobbs and McCallum."

(3) By adding to the said schedule the following:—

TEMISCAMINGUE: All the townships lying to the north of a line running east and west through the southern boundary of the Township of Lorrain.

(4) By striking out in the paragraph commencing "Hastings North" the name "Hastings North" and inserting in lieu thereof the words "Hastings Centre," and by striking out of the said paragraph the following townships:—Sabine, Lyell, Airy, Murchison, Dickens, McClure, Wicklow, Bangor, Herschell, Monteagle, Carlow, Faraday, Dungannon and Mayo, and by adding thereto the words "the Village of Marmora."

(5) By adding to the said Schedule the following:—

HASTINGS NORTH: The Townships of McClure, Wicklow, Bangor, Herschell, Monteagle, Carlow, Faraday, Dungannon, Mayo, Sabine, Lyell, Airy, Murchison and Dickens.

(6) By adding to the said Schedule the following:—

SUDSBURY:—All the Townships included within lines running as follows: North and south through the eastern boundary of the Township of Hagar, east and west through the northern boundary of the Township of Hutton, north and south through the western boundary of the Township of Cartier, east and west through the southern boundary of the Township of Nairn.

(7) The paragraph beginning "Algoma East" is amended by adding thereto the following words: "and west of a line running north and south through the western boundary of the Township of Cartier."

(8) The paragraph of the said schedule beginning "Nipissing West" is amended by adding thereto the following words: "and having as a western boundary a line running north and south through the eastern boundary line of the Township of Hagar."

2. Schedule A to the said Act is amended by adding the words "Hastings Centre" after the words "Hastings West" in the paragraph numbered 4; and by adding the words "Parry Sound North" after the words "Parry Sound West" and the words "Sudbury and Temiscamingue" after the word "Manitoulin" respectively in the paragraph numbered 13. Rev. Stat., c. 43, Sched. A. amended. Certain additions made to the Agricultural Divisions.

3. Notwithstanding anything contained in *The Agriculture and Arts Act*, the Minister may authorize the holding of a meeting for the organization of a District Society for each of the additional districts provided for in this Act, namely, Parry Sound North, Hastings North, Sudbury and Temiscamingue, at any day to be fixed by him prior to the first day of August, 1904, and the society so formed shall be duly incorporated under the said Act. Minister may authorize organization of District Society for added districts.

4. Section 21 of *The Agriculture and Arts Act* is amended by adding thereto the following:— Rev. Stat., c. 43, s. 21, amended.

(e)

Apportionment of grant in certain districts.

- (e) The District of Parry Sound North shall not receive in any one year more than \$380, none of which shall be subject to division among the township societies.
- (f) The District of Hastings North shall not receive in any year more than \$450, of which not more than \$150 shall be subject to division among the township societies.
- (g) The District of Temiscamingue shall not receive in any one year more than \$380, none of which shall be subject to division among the township societies.
- (h) The District of Sudbury shall not receive in any one year more than \$250, none of which shall be subject to division among the township societies.

61 V. c. 31,
amended.

5. Chapter 31 of the Acts passed in the 61st year of the reign of Her late Majesty Queen Victoria, intituled *An Act to prevent Gambling and Games of Chance at Agricultural Exhibitions* is amended as follows:—

- (1) By adding to section 1 the following clause:—

Peace officers empowered to seize gambling instruments.

(a) Any constable or other peace officer may without warning or notice immediately seize all devices and instruments used by any person in connection with any kind of gambling or games of chance, and may arrest such person without warrant and take him before the nearest magistrate having jurisdiction, there to be dealt with according to law and every such device and instrument shall be destroyed after conviction of the person concerned.

Imprisonment in default of payment of penalty.

(2) By adding at the end of section 2 the following words:— “and in default of payment of such penalty or costs shall be liable to imprisonment in the county gaol for a period of not less than thirty days and not more than ninety days.

Rev. Stat. c. 43, s. 7, subs. 1, amended.

6. Subsection 1 of section 7 of *The Agricultural and Arts Act* is amended by adding thereto the following clause:—

Additional directors.

- (i) On petition of any district, township or horticultural society the Minister of Agriculture may authorize the society to elect not more than six persons to act as directors in addition to those already provided for.

Rev. Stat. c. 43, s. 13, amended.

7. Section 13 of *The Agricultural and Arts Act* is amended by adding thereto the following subsection:—

Special meetings of Society.

(2) On petition of thirty members of any society, the secretary shall call a special meeting of the society for the consideration of such matters as may be set forth in the petition, the meeting to be advertised as set forth in subsection 2 of section 10 and the advertisements to set forth the nature of the business to be transacted.

CHAPTER 9.

An Act to amend The Act respecting the Encouragement of the Sugar Beet Industry.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In addition to the special fund amounting to \$225,000 set apart under the Act passed in the 1st year of His Majesty's reign, chaptered 11, the sum of \$150,000 is set apart and added to the said special fund and shall be paid out of the Consolidated Revenue Fund, for the purpose of encouraging the growth of sugar beets, and the establishment of factories within the Province of Ontario for the manufacture of refined sugar therefrom. Additional sum of \$150,000 set apart for sugar beet bounty.
2. Section 3 of the said Act is amended by striking out all the words therein after the word "quality" in the seventh line and inserting in lieu thereof the words "annually during the first five years' operations of such factory, at the rate of one-half cent per pound, for the product of such factory." 1 Edw. VII, c. 11, s. 3, amended. Term of bounty and rate.
3. Section 6 of the said Act is amended by striking out the words "second and third years" in the first and second lines of clause (b) of the said section and inserting in lieu thereof the words "second, third, fourth and fifth years." 1 Edw. VII, c. 11, s. 6, amended.

CHAPTER 10.

The Statute Law Amendment Act, 1904.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Section 61 of *The Ontario Voters' Lists Act* is amended by striking out the word "annually" in the second line and substituting the word "biennially" therefor.

(2) The said section is further amended by adding thereto the following words "provided that the Lieutenant-Governor in Council may by a proclamation direct that voters' lists for the unorganized territory or for any specified electoral district therein shall be prepared at an earlier date than that herein directed, and shall so direct when an election is about to be held and the voters' list to be used thereat would otherwise be at the date of such election more than one year old."

2. Section 63 of *The Ontario Voters' Lists Act* is amended by inserting after the word "convenient" in the second line the words "but not later than the 1st day of July."

3. Section 74 of *The Ontario Voters' Lists Act* is repealed and the following is substituted therefor:—

"Unless and until a new voters' list has been prepared and certified under this or some other Act of the Legislature of this Province, the voters' lists last prepared and certified as aforesaid shall at any election to the Legislative Assembly be the lawful voters' lists for the polling sub-divisions to which such voters' lists are applicable."

4. Section 2 of the *Act to amend the Statute Law* passed in the 2nd year of His Majesty's Reign, chaptered 12, is repealed.

5.—(1) In case the seat of any member of the Legislative Assembly is vacated for any cause, if the writ for the election of a new member has not issued within three months after

2 Edw. VII.,
c. 12, s. 2,
repealed.

Writ for new
election to be
issued by Clerk
of the Crown in
Chancery in
certain cases.

after such vacancy occurred, it shall be the duty of the Clerk of the Crown in Chancery to issue the writ forthwith, and all courts, officers and persons shall give full effect to the writ so issued.

(2) Where there are several officers to whom under the provisions of *The Ontario Election Act*, the writ might be addressed, the same shall be addressed to some officer other than the one who acted at the last preceding election for the electoral district in which the new election is to be held.

6. Section 68 of *The Act respecting the Legislative Assembly* is repealed and the following substituted therefor :—

68. The Judges of the Supreme Court of Judicature for Ontario shall be ex-officio commissioners to report under the Rules and Orders of the Legislative Assembly, to the said Assembly in respect to estate bills or petitions for estate bills which may be submitted to the said Assembly.

7. Section 2 of *The Act respecting Inquiries concerning Public Matters* is amended by striking out all the words after the words "civil cases" in the fourth line of the said section.

8. *The Act respecting the Public Works of Ontario* is amended by adding thereto the following section :—

73. In any case where it becomes necessary to determine the value of any lands by arbitration the Commissioner may, if he thinks proper, refer the question of the amount of compensation to the Judge of the county or district in which the lands taken are situated, and such Judge shall act instead of the official arbitrators named in this Act, and while so acting shall have all the powers which are conferred upon the said official arbitrators.

9.—(1) Section 9 of *The Queen Victoria Niagara Falls Park Act* is amended by adding thereto the following words :

" Except where the land tenement or right to be acquired is for the purpose of opening or widening a highway."

(2) The said section is further amended by adding the following subsection thereto :—

(2) A highway so opened or widened shall not be used or occupied as a stand by vehicles kept for hire, or by booths or stands for the sale of newspapers, photographs, or for the carrying on of refreshment business or the like.

10. Clause 2 of section 23 of *The County Courts Act* is amended by inserting the words "as being due" after the word "ascertained" in the second line thereof.

Rev. Stat., c. 55,
s. 32, amended. **11.** Section 32 of *The County Courts Act* is amended by inserting after the words "and sub-section 2 hereof" after the words "section 30" in the third line thereof, and also by adding thereto the following sub-section :—

Transfer of
action to
county court
having juris-
diction.
s. 34, amended. (2) Where it appears in an action brought in a County Court that such Court has not cognizance thereof, but that the County Court of some other County has jurisdiction to try the same, the Judge of the County Court before whom the action is pending may, at any time before the trial thereof, order the action to be transferred to such other County Court subject to such terms as to costs as he shall see fit.

Rev. Stat., c. 55,
s. 34, amended. **12.** Section 34 of *The County Courts Act* is amended by inserting the words "or the proper County Court" immediately after the words "High Court" wherever the said last mentioned words occur in the said section.

Rev. Stat., c. 55,
amended. **13.** *The County Courts Act* is amended by adding thereto the following section :—

Appeal as to
costs. 52a. An appeal shall also lie to a Divisional Court from any decision or order of a Judge whether pronounced or made at the trial or on appeal from taxation or otherwise, which has the effect of depriving the plaintiff of County Court costs on the ground that his action is of the proper competence of the Division Court or of entitling him to County Court costs on the ground that the action is not of the proper competence of the Division Court.

Rev. Stat., c. 55,
s. 57, amended. **14.** Section 57 of *The County Courts Act* is amended by adding thereto the following sub-sections :—

Appeals to
divisional
court. (2) The Divisional Court shall be deemed to be seized of the appeal if and when the Judge has, pursuant to section 55, certified to the pleadings and other papers and the same have been filed in the High Court.

(3) A Divisional Court may, subject to rules of Court, extend the time for setting down the appeal or for giving notice of setting down or for doing any act or taking any proceedings in or in relation to the appeal, and may if the certificate is incomplete or incorrect direct the same to be amended or to be sent back to the Judge for amendment as to the Divisional Court may seem just.

63 V., c. 17, s. 12,
repealed. **15.** Section 12 of the *Act to amend the Statute Law* passed in the 63rd year of the reign of Her late Majesty, chaptered 17, is repealed.

Rev. Stat., c. 59,
s. 36, amended. **16.** Section 36 of *The Surrogate Courts Act* is amended by adding thereto the following sub-section :—

(2) A Divisional Court shall have power subject to rules of Court to extend the time for appealing or for setting down the appeal to be heard or for giving notice of the hearing of the appeal and may also extend the time for doing any act or taking any proceeding in or in relation to the appeal as to the said Court may seem just.

17.—(1) Subsection 1 of section 11, of *The Jurors' Act* is Rev. Stat., c. 61, s. 11, sub-s. 1, amended by adding after the word "Treasurer" in the third line thereof the words "of the County and the Treasurer of any such City."

(2) Subsection 2 of section 11, of *The Jurors' Act*, is amended Rev. Stat., c. 61, s. 11, sub-s. 2, amended by adding after the word "City" in the fourth line thereof the words "the Treasurer of the County and the Treasurer of the said City," and by adding after the word "Warden" in the seventh line thereof the words "and Treasurer," and adding after the word "Mayor" in the twelfth line thereof the words "and Treasurer."

18. Section 27a of *The Jurors' Act* added thereto by section 1 of the *Act to amend the Jurors' Act* passed in the second year of His Majesty's reign, chapter 14 is amended by inserting after the word "Peace" at the end of the fourth line the words "and County Courts."

19. Section 4 of the *Act to amend the Jurors' Act* passed in the second year of His Majesty's reign, chapter 14, is amended by adding thereto the words "having a population of 20,000 or over."

20. Sub-section 1, of section 1, of *The Act respecting the Limitation of Certain Actions* is amended by adding thereto the following clause:—

(i) Actions for penalties imposed by any statute brought by any informer suing for himself alone, or for the Crown as well as himself, or by any person authorized to sue for the same, not being the person aggrieved, within one year after the cause of such action arose.

21. Section 5 of *The Evidence Act* is repealed and the following substituted therefor:—

5. No person shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person; provided, however, that if with respect to any question the witness objects to answer upon the ground that his answer may tend to criminate him, and if but for this section the witness would therefore have been excused from answering such question, then although the witness shall be compelled

compelled to answer, yet the answer so given shall not be used or receivable in evidence against him on the trial of any proceeding under any Act of the Legislature of Ontario.

Rev. Stat.,
c. 90, s. 3, sub-
s. 2, repealed.

22. Sub-section 2 of section 3 of *The Ontario Summary Convictions Act* is repealed.

Rev. Stat.,
c. 90, s. 7, sub-
s. 2, amended.

23. Sub-section 2 of section 7 of *The Ontario Summary Convictions Act* added thereto by section 14, of the *Act to amend the Statute Law* passed in the second year of His Majesty's reign, chapter 12 is amended by striking out the words "to the Court of General Sessions of the Peace" and by inserting in lieu thereof the words "as by any special Act or."

Rev. Stat., c. 93,
s. 5, repealed.

24. Section 5 of *The Act respecting Returns of convictions and fines by Justices of the Peace* is repealed and the following is substituted therefor:—

Returns to be
posted up in
Court House
and in office of
Clerk of the
Peace.

5 The Clerk of the Peace to whom such returns are made shall, within two weeks after the times hereby limited for the making of the returns, post up in the Court House and also in a conspicuous place in his office for public inspection a schedule of the returns so made by the Justices and the same shall continue to be so posted and exhibited for a period of three months, and for every schedule so made and exhibited by the Clerk of the Peace he shall be allowed in his accounts with the County a fee of \$4, which shall be paid by the Treasurer of the County.

Rev. Stat.,
c. 109, s. 21,
amended.

25. Section 21 of *The Unorganized Territory Act* is amended by striking out the word "November" in clause 6 of the said section and substituting therefor the word "December."

Rev. Stat.,
c. 110, s. 9,
amended.

26. Section 9 of *The Act to provide for the better Government of that part of Ontario situated in the Vicinity of the Falls of Niagara* is amended by adding thereto the following sub-section:—

Disposition of
fines and
penalties at
Niagara Falls.

1a. Notwithstanding anything in the preceding sub-section contained all fines, penalties and costs imposed in the Police Court of the City of Niagara Falls (formerly the Town of Niagara Falls) which by the said subsection are directed to be deposited to the credit of the "Niagara Falls Police Fund" shall hereafter be paid over to the Treasurer of the said City of Niagara Falls for the uses of the said city.

Rev. Stat.,
c. 121, s. 34,
amended.

27. Section 34 of *The Act respecting Mortgages of Real Estate* is amended by striking out the words and figures "23rd day of March, 1888" and substituting therefor the words and figures "1st day of March, 1904."

Rev. Stat.,
c. 136, s. 7, sub-
s. 6, repealed.

28. Sub-section 6 of section 7 of *The Registry Act* is repealed.

29. Sub-section 6 of section 61 of *The Registry Act* is amended by adding after the word "mortgage" at the end thereof the words "or an agreement to extend the time for payment of a mortgage."

Rev. Stat.,
c. 136, s. 61,
sub-s. 6,
amended.

Mortgages, etc.,
not registered
in full.

30. *The Registry Act* is amended by adding the following section thereto:—

Rev. Stat.,
c. 136,
amended.

118a. A Master or Local Master of Titles is to be at liberty to inspect, by himself or his clerks, all books and papers in a registry office for his own information as such Master in respect of any application pending before him, without payment of fees, subject to any general rules to be made under the authority of *The Land Titles' Act*, but this provision shall not apply to any application in which an abstract of title has not been filed.

Inspection of
books in
registry offices
by Master or
Local Master of
Titles.

31. *The Registry Act* is amended by adding thereto the following section:—

Rev. Stat.,
c. 136,
amended.

135a. When the Inspector has occasion to institute an enquiry into the conduct of any officer it shall be lawful for the said Inspector to require such officer or any other person or persons to give evidence on oath and for this purpose the Inspector shall have the same power to summon such officers and other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and to give evidence as any court has in Civil Cases.

Evidence on
investigations
by Inspector.

32. Where it appears from the report of the Inspector of Registry Offices that a Registrar is carrying on or actively engaged in any business which competes with any other business in the Registry Division of such Registrar the Lieutenant-Governor in Council may by Order in that behalf direct that such Registrar shall cease to carry on or actively engage in such business as aforesaid under penalty of forfeiture of office.

Registrar carry-
ing on other
business.

33. Sub-section 1 of section 8 of *The Act respecting Assignments and Preferences by Insolvent Persons* is amended by adding thereto the words "In case an assignee has died a new assignee may be appointed by a Judge as herein provided."

Rev. Stat.,
c. 147, s. 8, sub-
s. 1, amended.

34. Section 27 of *The Act respecting Assignments and Preferences by Insolvent Persons* is amended by adding thereto the words "or a Commissioner authorized to administer affidavits for use in Ontario."

Rev. Stat.,
c. 147, s. 27,
amended.

35. *The Bills of Sale and Chattel Mortgage Act* is amended by adding thereto the following section:—

Rev. Stat.,
c. 148,
amended.

Certain affidavits of bona fides validated.

10a. Notwithstanding anything in section 10 contained, any affidavit of *bona fides* filed on or before the 1st day of February, 1904, which though it fails to state that the deponent is aware of the circumstances connected with the sale or mortgage as the case may be and has personal knowledge of the facts deposed to, complies in all other respects with the provisions of this Act, shall be deemed to sufficiently comply with the said provisions ; and the conveyance, chattel mortgage or statement referred to in such affidavit shall be of the same force and effect as though all the said provisions had been complied with.

Rev. Stat.,
c. 148, s. 23, subs.
1, amended.

36. Sub-section 1 of section 23 of *The Bills of sale and Chattel Mortgage Act* is amended by striking out the words "any company incorporated by or under any Imperial Act or Charter or by or under any Act or Charter of the Dominion of Canada or by or under any Act or Charter of the Province of Ontario" in the 2nd, 3rd, 4th and 5th lines of the said sub-section and inserting in lieu thereof the words "any incorporated Company."

Rev. Stat.,
c. 149, s. 1,
amended.

37. Section 1 of the *Act respecting Conditional Sales of Chattels* is amended by striking out the word "manufacturer" in the tenth line of the said section.

1 Edw. VII.,
c. 12, s. 14,
repealed.

38. Section 14 of the *Act to amend the Statute Law* passed in the first year of the reign of His Majesty, chapter 12, is repealed.

Rev. Stat.,
c. 162, s. 2,
amended.

Marriage by
elders of
Farringdon
Church.

39. Section 2 of *The Marriage Act* is amended by adding thereto the following clause :—

4. Any elder for the time being of the church or congregation of religious people commonly called, or known congregationally as "Farringdon Independent Church," who, from time to time, is chosen by such congregation for the solemnization of marriages.

Rev. Stat.,
c. 162, amended.

Marriages
heretofore
solemnized by
such elders
validated.

40. *The Marriage Act* is amended by inserting therein the following section :—

29a. Every marriage heretofore solemnized in this Province according to the rites, usages and customs of the "Farringdon Independent Church," by an elder thereof, is hereby declared to have been and to be lawful and valid, so far as respects the civil rights in this Province of the parties, and so far as respects all matters within the jurisdiction of the Ontario Legislature ; provided that the parties thereafter lived together and co-habited as man and wife, and that the validity of the marriage has not heretofore been questioned in any suit or action ; and provided further that nothing in this section shall make valid any such marriage in case either

of the parties thereto has since such marriage contracted matrimony according to law, and in such case the validity of the marriage shall be determined as if this enactment had not been passed.

41. Sub-section 1 of section 2 of *The Ontario Anatomy Act* is amended by adding thereto the following proviso :—

Provided that any county councillor shall be deemed to be a *bona fide* friend for the purposes of this section when members of the county council are so declared by by-law in that behalf.

42. Section 39 of *The Ontario Land Surveyors Act* is amended by inserting therein the following item :—

" 4. By each candidate for the preliminary examination on presenting himself for examination, \$10 ; "

43. Section 13 of *The Surveys Act* is amended by adding thereto the following sub-section :—

(2) A survey made under the preceding three sections may be confirmed by the Commissioner of Crown Lands in the manner provided by sub-section 4 of section 14, of this Act, with regard to surveys made under the said section.

44. Section 2 of *The Act respecting Innkeepers* is amended by inserting therein the following as sub-section 1a :—

1a. Every keeper of a livery stable or boarding stable shall have a lien on every horse boarded at or vehicle left in such livery stable or boarding stable for his reasonable charges for boarding and caring for such horse or vehicle.

45. Sub-section 4 of section 95 of *The Ontario Companies' Act* as enacted by section 5 of the Act, passed in the sixty-third year of the reign of Her late Majesty, chapter 23, is amended by striking out the words "these provisions" in the eighth line and inserting in lieu thereof the words "the provisions of this Act."

46. Section 4 of *The Timber Slide Companies Act* is amended by striking out the words "Public Works" in the last line of the said section and substituting the words "Crown Lands" therefor.

47. Section 7 of *The Timber Slide Companies Act* is repealed.

48. Section 4 of *The Act respecting Co-operative Associations* is amended by striking out all the words in the said section after the word "public" in the fourth line and substituting the following therefor :—

" and

Rev. Stat.
c. 177, s. 2, subs.
1, amended.

Persons dying
in houses
of refuge.

Rev. Stat.
c. 180, s. 39,
amended.

Rev. Stat.
c. 181, s. 1
amended.

Confirmation of
survey.

Rev. Stat.
c. 187, s. 2,
amended.

Lien on
horses and
vehicles.

Rev. Stat.
c. 191, s. 95, subs.
4, amended.

Rev. Stat.
c. 194, s. 4,
amended.

Rev. Stat.
c. 194, s. 7,
repealed.

Rev. Stat.
c. 202, s. 4,
amended.

"and the words 'Co-operative Association, Limited' shall be the last words in the name of any Association registered under this Act."

Rev. Stat.
c. 207,
amended.

Company
not entitled
to minerals
unless ex-
pressly
purchased.

49. *The Railway Act of Ontario* is amended by adding thereto the following section:—

21. The Company shall not be entitled to any mines, ores metals, coal, slate, mineral oils or other minerals in or under any lands purchased by it, or taken by it under any compulsory powers given it by this Act, except only such parts thereof as are necessary to be dug, carried away or used in the construction of the works, unless the same have been expressly purchased; and all such mines and minerals, except as aforesaid, shall be deemed to be excepted from the conveyance of such lands, unless they have been expressly named therein and conveyed thereby.

Rev. Stat.
c. 226,
amended.

50. *The Municipal Drainage Act* is amended by striking out section 8a as enacted by section 1 of the Act passed in the 2nd year of His Majesty's reign and chaptered 32, and amended by section 2 of the Act passed in the 3rd year of His Majesty's reign chaptered 22, and by inserting the said section as so amended as subsection 10 of section 9 of the said *Municipal Drainage Act*.

Rev. Stat.
c. 226, s. 76,
amended.

Deepening,
etc., drain
constructed out
of general
funds.

51. Section 76 of *The Municipal Drainage Act* is amended by adding at the end thereof the following:—

"Any such drainage work constructed out of the general funds of one or more municipalities or out of funds raised by local assessment under a by-law which is afterwards found to be illegal, may in like manner and under the like procedure as provided in the case of repairs under this section be deepened, widened or extended, including a new outlet for the whole or any part thereof."

Rev. Stat.
c. 226, s. 80,
amended.

Rev. Stat.
c. 228, s. 14,
amended.
Members of
Councils to
see that re-
commenda-
tions of
auditors
carried out.

52. Section 80 of *The Municipal Drainage Act* is amended by inserting therein after the words "in default of" in the eighth line, the words "such consent, or."

53. Section 14 of *The Act to make better provision for keeping and auditing Municipal and School Accounts* is amended by inserting after the words "hereinbefore mentioned" in the sixth line thereof the words "when concurred in and approved of by the said auditor personally."

Rev. Stat.
c. 232, s. 12,
amended.

54. Section 12 of *The Public Libraries Act* is amended by striking out the words "first day of April" and substituting the words "fifteenth day of February" therefor.

55. Sub-section 1 of section 14 of *The Public Libraries Act* Rev. Stat. c. 232, s. 14, subs. 1, amended. is amended by inserting after the word "property" in the 8th line the words "and by a vote of two-thirds of all the members of the council may increase such rate to an amount not exceeding in the whole three-fourths of a mill on the dollar."

56.—(1) Sections 15 and 22 of *The Public Libraries Act* Rev. Stat. c. 232, ss. 15, and 22, amended. are amended by adding the following proviso at the end of each of the said sections :

" Provided however that the Board may impose such fee Use of library by non-residents who may desire to use the library, reading room and museum."

(2) Sub-section 1 of section 11 of the said Act is amended Rev. Stat. c. 232, s. 11, subs. 1, amended. by inserting after the word "public" in the third line of the said subsection the words "and non-residents."

57. Section 5 of *The Public Parks Act* is amended by add- Rev. Stat. c. 233, s. 5, amended, ing thereto the words "the Council may refuse to appoint any or all of the persons so nominated, in which case further nominations shall be made by the Mayor, Warden or Reeve until six persons are nominated who are approved by the Council."

58. Section 17 of *The Public Parks Act* is amended by Rev. Stat. c. 233, s. 17, amended. striking out the word "March" in sub-section 1 and substituting the word "February" and by striking out the words "first day of April" in sub-section 2 and substituting the words "fifteenth day of February."

59. Section 10 of *The Act to regulate travelling on Public Highways and Bridges* is amended by Rev. Stat. c. 236, s. 10, amended. inserting after the word "burden" in the second line the words "on or."

60. Sub-section 3 of section 10 of *The Act to authorize and regulate the use of Traction Engines on Highways* as enacted by section 43 of *The Statute Law Amendment Act, 1903*, is amended by adding at the end thereof the following words ^{2 Edw. VII.} e. 7, and proviso, "of less than eight tons in weight."

" Provided however that before crossing any such bridge Proviso.
 " or culvert it shall be the duty of the person or
 " persons proposing to run any engine or machinery
 " mentioned in any of the subsections of this sec-
 " tion to lay down on such bridge or culvert planks
 " of such sufficient width and thickness as may be
 " necessary to fully protect the flooring or surface
 " of such bridge or culvert from any injury that
 " might otherwise result thereto from the contact
 " of the wheels of such engine or machinery; and
 " in

"in default thereof the person in charge and his employer, if any, shall be liable to the municipality for all damage resulting to the flooring or surface of such bridge or culvert as aforesaid."

Rev. Stat.
c. 257, s. 44,
subs. 1,
amended.

61. Sub-section 1 of section 44 of *The Ontario Shops Regulation Act* is amended by adding after the word "retail" in the third line of clause (a) of the said subsection the words "and Barbers' Shops."

Rev. Stat.
c. 285, s. 16,
amended.

Time for
making award
not to include
time required
for approval by
Railway Com-
missioners.

62. Section 16 of *The Ditches and Watercourses Act* is amended by inserting therein as sub-section 2a, the following:

2a. The period prescribed for the Engineer to make his award shall be exclusive of the time required to obtain the approval of the works or the specifications or plans thereof by the Board of Railway Commissioners for Canada where such approval is necessary.

Rev. Stat.
c. 285, s. 22,
subs. 8,
amended.

44 V. c. 8, s. 1,
repealed.

63. Sub-section 8 of section 22 of *The Ditches and Watercourses Act* is amended by inserting after the word "proceedings" in the fourth line of the said sub-section the words "or has neglected his duty."

64. Section 1 of the *Act to regulate the fees of certain Officers and others* passed in the 44th year of the reign of Her late Majesty, chapter 8, is repealed.

61 V. c. 19, s. 8,
amended.

65. Section 8 of the *Act to amend The Ontario Companies Act* passed in the 61st year of the reign of Her late Majesty, chapter 19, is amended by inserting after the word "brought" in the second line the words "by a private person suing in his own name."

1 Edw. VII.
c. 32, s. 2,
subs. 1,
(2 Edw. VII.
c. 12, s. 27,
subs. 2,
3 Edw. VII.
c. 20, s. 1,)
amended.

66. Sub-section 1 of section 2 of the *Act for the Improvement of Public Highways* passed in the 1st year of His Majesty's reign, chaptered 32, as heretofore amended, is further amended by striking out the figures "1905" in the 2nd line and inserting the figures "1906" in lieu thereof.

1 Edw. VII.
c. 32, s. 4;
(3 Edw. VII.
c. 26, s. 2,)
amended.

67. Section 4 of the *Act for the Improvement of Public Highways*, passed in the 1st year of His Majesty's reign, chaptered 32, as heretofore amended, is further amended by striking out the figures "1906" in the 5th line and inserting the figures "1907" in lieu thereof.

1 Edw. VII.
c. 36, 2 Edw.
VII. c. 35,
amended.

68. *The Toll Roads Expropriation Act, 1901*, as amended by the *Act to amend The Toll Roads Expropriation Act, 1901*, passed in the 2nd year of His Majesty's reign, and chaptered 35, is further amended by adding thereto the following section:—

5a. In case the council of any county has heretofore or shall hereafter pass a by-law providing for the purchase or expropriation of the toll roads lying in the county, and in case portions of one or more of such roads are situate in an adjoining county and the total mileage of such road or roads in such adjoining county does not exceed two-fifths of the total mileage of such road or roads, it shall not be necessary for the initiating county to obtain the consent of the council of such adjoining county before proceeding to fix the amount to be paid to the owners of such road or roads as provided in section 4 of this Act, but the council of the initiating county shall cause a copy of the by-law to be served upon the clerk of the adjoining county and the council of the adjoining county shall contribute such amount towards the purchase or expropriation of such road or roads as may be agreed upon or as may be determined by arbitration as provided in section 4 of this Act, and any portion of such road or roads lying in such adjoining county shall become the property of, and shall be maintained and kept in repair by the corporation thereof.

<sup>2 Edw. VII.
e. II., amended.</sup>

69. *The Act to approve and confirm an Agreement between the Commissioners for the Queen Victoria Niagara Falls Park and the Canadian Niagara Power Company passed in the second year of the reign of His Majesty, chaptered 11, is amended by adding thereto the following section:—*

4. The agreement contained in the schedule to this Act is amended by striking out the words and figures "first day of July, 1904," wherever they occur in the said agreement, and inserting in lieu thereof the words and figures "first day of January, 1905." Provided that the amendments to the said agreement by this section enacted shall not change or affect the application of the provisions of the said agreement to the parties further than if such amendments had been so enacted in the said agreement at the time when the same was made between the parties thereto.

<sup>Amendment of
agreement with
Canadian
Niagara Power
Co.</sup>

70. Sections 2, 3 and 4 of *The Act to regulate the Speed and Operation of Motor Vehicles on Highways* are repealed <sup>3 Edw. VII,
c. 27, ss. 2, 3 and
4, repealed.</sup> and the following sections substituted therefor:—

2. Every resident of this Province who is the owner of a motor vehicle, and every non-resident owner whose motor vehicle shall be driven in this Province, shall pay to the Provincial Secretary a registration fee for each motor vehicle. The Provincial Secretary shall issue for each motor vehicle so registered a permit properly numbered, stating that such motor vehicle is registered in accordance with this section, and shall cause the name of such owner, with his address and the number of his permit, to be entered in a book to be kept for such purpose. Provided that the Lieutenant-Governor in Council may make regulations regarding the registration and operation of motor vehicles owned by manufacturers or dealers

<sup>Registration
fee to be paid
to Provincial
Secretary.</sup>

dealers and not kept by such manufacturer or dealer for private use or for hire.

Provincial
Secretary to
issue permits.

Permit and
number of to be exposed on
vehicle.

3. Such permits shall be issued from the office of the Provincial Secretary, and shall be subject to such conditions regarding renewals or transfers thereof, payment of such fees therefor or otherwise as the Lieutenant-Governor in Council shall determine.

4. Every motor vehicle while being driven upon the public streets, public roads, parks or other public highways of this Province, shall carry and have exposed on the said motor vehicle the permit issued as aforesaid by the Provincial Secretary, and shall also have attached to or exposed upon the back of every such motor vehicle, in a conspicuous place, the number of the said permit, so as to be plainly visible at all times during daylight, such number to be in plain figures not less than three inches in height.

3 Edw. VII
c. 89, s. 1,
amended.

71.—(1) Section 1 of the *Act respecting Glen Road Bridge in the Township of York* passed in the 3rd year of His Majesty's reign is amended by adding at the end thereof the words : “ Provided, however, that the property of M. B. Jackson, known as ‘Drumsnab,’ shall not be liable or assessed for any portion of the said cost.”

3 Edw. VII.
c. 89, s. 2,
amended.

(2) Section 2 of the said *Act respecting Glen Road Bridge in the Township of York* is amended by inserting after the word “works” in the fourth line the words “or the making of any grant in aid of the said works.”

3 Edw. VII
c. 89, s. 5,
amended.

(3) Section 5 of the said *Act respecting Glen Road Bridge in the Township of York* is amended by striking out the words “twelve and one-half” in the eighth line and inserting the word “twenty” in lieu thereof.

3 Edw. VII.
c. 89, s. 2, ss. 1,
amended.

72. Subsection 1 of section 2 of *The Algoma Land Tax Amendment Act*, 1903, is amended by striking out the word “January” in the sixth line and substituting therefor the word “July,” and by striking out the words “thirty-first day of December” in the tenth line and substituting therefor the words “thirtieth day of June.”

Extension of
time for earn-
ing land grant
and subsidies of
Ontario, Hud-
son's Bay and
Western Ry.

73. The period within which the cash subsidy and land grant in aid of the Ontario Hudson's Bay and Western Railway granted by chapter 23 of the Acts passed at the second session held in the sixty-second year of the reign of Her late Majesty, Queen Victoria, should have been earned, is extended for a period of three years from the passing of this Act, and the said Act shall be read as though the period hereby fixed within which the said subsidy and land grant should be earned had been fixed by the said Act at the passing thereof.

74. No telephone or telegraph company shall be deemed to have acquired or shall hereafter acquire any easement by prescription or otherwise in respect of wires or cables attached to private property or buildings or passing through or carried over such property unless in cases where the company has obtained a grant from the owner of the property.

Easements not
acquired by
telephone or
telegraph
companies.

75. Authority is hereby given for payment of an allowance to the members of the select Committees on Municipal Taxation and the compiling of material for publication on the subject of Municipal Trading, during the interval between the Sessions of the Legislature, at the rate of six dollars per diem for each day's actual attendance, in addition to an allowance of four dollars per diem for each day's attendance, and time in going to and returning from the meetings of the said Committees.

Authority to
pay members
of select Com-
mittees per
diem allowance
and expenses.

76. By-law No. 519 of the County of Oxford confirmed by an Act passed at the present session is declared to comply with the provisions of *The Act for the Improvement of Public Highways* so as to entitle the corporation of the said county to share in the fund set apart by the said Act, and the Lieutenant-Governor in Council may appropriate out of the said fund an amount equal to one-third of the moneys expended under the said by-law in the purchase of toll roads and in freeing the same from tolls, but such amount shall not exceed the proportion of the said fund to which the said county would be entitled under the said Act, and the said appropriation shall be paid to the corporation of the said county upon evidence being furnished to the Lieutenant-Governor in Council that the toll roads designated in the said by-law have been purchased and freed from tolls.

By-law 519 of
County of Ox-
ford declared
to comply with
1 Edw. VII.
c. 32.

77. The lands mentioned and described in a certain conveyance made between one Charles S. Hatch, of the City of Winnipeg, in, the Province of Manitoba, Artist, of the first part, Mary Jane Hatch, his wife of the same place, of the second part, and His Majesty the King, of the third part, whereby the said Charles S. Hatch did grant, surrender and yield up unto His Majesty the King His successors and assigns forever all and singular that certain parcel or tract of land and premises situate lying and being in the Township of East Zorra in the County of Oxford, and Province of Ontario, and being composed of a 1 of the east half of Lot number four in the eleventh concession of said township except the northerly twelve feet thereof and the south east corner of said lot heretofore sold to the Port Dover and Lake Huron Railway Company, said parcel of land being more particularly described as follows, that is to say:—Commencing at the easterly boundary of said lot at the distance of one hundred and forty-two feet northerly from the south east angle of said lot, thence northerly along said easterly boundary one thousand eight hundred and sixty-four

Certain lands
conveyed by
Charles S.
Hatch and
Mary Jane
Hatch to the
King declared
to be vested in
the King,
absolutely.

sixty-four feet and eight inches to a point twelve feet southerly from the north east angle of said lot, thence westerly parallel to the northerly boundary of said lot two thousand two hundred and fifty-six feet to the westerly boundary of the east half of said lot, thence southerly along this last mentioned boundary two thousand and five feet and eight inches to the southerly boundary of said lot, thence easterly along this last mentioned boundary two thousand one hundred and ninety-five feet and two inches more or less to its intersection with the northwesterly boundary of the right of way of the Port Dover and Lake Huron Railway, thence north easterly along this last mentioned boundary one hundred and seventy five feet more or less to the place of beginning, containing by admeasurement one hundred and four and one-quarter acres be the same more or less, are vested in and shall be held by His Majesty the King His successors and assigns absolutely forever for the uses of the Province of Ontario freed and discharged from all encumbrances and from all estate, right, title, interest, claim and demand of any other person whomsoever.

Costs of inquest
on body of
non-resident
dying in city or
town.

78. Where an inquest is held upon the body of any person who has died in a city or separated town and the jury find that the death was caused by violence, accident or unfair means which arose or took place outside of such city or town the coroner shall make an order for the payment of the fees and expenses in connection with such inquest on the Treasurer of the city or town in which the inquest is held, who shall thereupon pay the same; and the amount so paid, shall on demand be repaid by the treasurer of any city or separated town in which the matter causing the death is found to have arisen or taken place and in other cases by the treasurer of the county in which such violence, accident or unfair means arose or took place as aforesaid.

Street railway;
etc. not to be
operated on
Sunday:

79. (1) No company or Municipal Corporation operating a street railway, tramway or electric railway, subject as such to the jurisdiction of this Province, shall operate the same or employ any person thereon on the first day of the week commonly called Sunday, except for the purpose of keeping the track clear of snow or ice or for the purpose of doing other work of necessity.

Exceptions.

(2) The foregoing subsection shall not apply to companies which have, before the 1st April, 1897, regularly run cars on Sunday; nor shall it confer any rights so to run cars on Sunday not now possessed by them; nor shall it affect or apply to any company which has by its charter or by any special Act the right or authority to run cars on Sunday; nor shall it affect the right (if any) of the Toronto Railway Company to run cars on Sunday, if or when sanctioned by the vote of the electors under 55 Victoria, chapter 99, and 57 Victoria, chapter 93. But this proviso shall not confer upon the Toronto Railway Company

Company any right to run cars on Sunday which it does not now possess (if any) if sanctioned by such vote. Nor shall this section apply to or affect any of the provisions of *The Electric Railway Act.*

Rev. Stat.
c. 209.

(3) For every train or car run or operated in violation of this section, the company shall forfeit and pay the sum of \$400, to be recovered in any Court having jurisdiction in civil cases, for the amount by any person suing for the same under this section and for the purpose thereof. The action for the recovery of the said sum shall be brought before a Court having jurisdiction as aforesaid in the place from which such train or cars started, or through which it passed, or at which it stopped in the course of such operation.

(4) All moneys recovered under the provisions of this section shall be appropriated as follows :—One moiety thereof to the plaintiff and the other moiety to the local municipality from which the train or cars started.

Application
of penalties.

(5) The conductor or other person in charge of any train or car run or operated in violation of the provisions of this section shall be liable for every such offence to a penalty not exceeding \$40 nor less than \$1, besides costs, and the same shall be recoverable on summary conviction before any one of His Majesty's Justices of the Peace having jurisdiction in that behalf.

Liability of
conductors, etc.

80.—(1) The Lieutenant-Governor in Council may appoint an officer who shall attend at the trials of all election petitions in like manner as the Clerks of Assize attend at the sittings of the High Court.

Registrar of
Election Court,
appointment of.

(2) The officer so appointed shall be called the Registrar of the Election Court and he, or in case of need his sufficient deputy, shall perform all the functions incident to the officer of a Court of Record, and also such duties as may be prescribed to him by Order in Council or by rule of the Court.

Duties.

(3) The salary of the said officer shall be such sum as may be determined by Order in Council and shall be in lieu of all fees.

Salary.

CHAPTER 11.

An Act to amend The Judicature Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent^{of} of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 51, s. 11, repealed. 1. Section 11 of *The Judicature Act* is repealed and the following substituted therefor:—

11.—(1) Subject to sections 18 and 19

Quorum of Court of Appeal.

(a) Appeals from decisions of a Divisional Court and appeals now required to be so heard and disposed of shall be heard and disposed of by the full Court of five Judges.

(b) Other Appeals may be heard and disposed of by not less than three Judges.

Re-argument before full Court.

(2) Where an appeal comes before a Court of less than five Judges, the Court, instead of hearing such appeal, or giving judgment thereon, may direct the case to be heard or re-argued, as the case may be, before the full Court.

Rev. Stat., c. 51, secs. 49, 50, 67, 74, 75, 76 and 77 repealed.

2. Sections 49, 50, 67, 74, 75, 76 and 77 of *The Judicature Act* are repealed and the following provisions are substituted therefor:

Jurisdiction of Court of Appeal.

49. The Court of Appeal shall continue to be a Superior Court of Record, with appellate jurisdiction in civil and criminal cases and matters.

Jurisdiction in appeals from Divisional Court.

50.—(1) The Court of Appeal shall have jurisdiction and power to hear and determine appeals from any judgment, order or decision, save as in this Act mentioned, of a Divisional Court of the High Court, subject to the provisions of this Act and to such rules and orders of the Court for regulating the terms and conditions on which appeals shall be allowed as are now in force or may be made pursuant to this Act.

Additional jurisdiction under certain statutes.

(2) The Court of Appeal shall also have jurisdiction as provided by,

(a)

- (a) *The Ontario Voters' Lists Act,* Rev. Stat., c. 7.
- (b) *The Ontario Election Act,* Rev. Stat., c. 9.
- (c) *The Ontario Controverted Elections Act,* Rev. Stat., c. 11.
- (d) *The Registry Act,* Rev. Stat., c. 136.
- (e) *The Joint Stock Companies Winding-up Act (Ontario),* Rev. Stat., c. 222.
- (f) *The Assessment Act,* 4 Edw. VII., c. 23.
- (g) *The Liquor License Act,* Rev. Stat., c. 245.
- (h) *An Act respecting appeals to the Court of Appeal on Prosecutions to enforce Penalties and punish Offences under Provincial Acts,* Rev. Stat., c. 91.
- (i) *An Act for more effectually securing the Liberty of the Subject.* Rev. Stat., c. 83.
- (j) *The Mechanics' and Wage Earners' Lien Act,* Rev. Stat., c. 153.
- (k) *The Criminal Code, 1892, and amendments thereto,*
- (l) *The Revised Statutes of Canada, Chapter 129 (The Winding-up Act), and amendments thereto,*
- (m) *The Municipal Drainage Act,* Rev. Stat., c. 226.
- (n) *The Succession Duty Act, and* Rev. Stat., c. 24.
- (o) *Any other Act of the Parliament of Canada or of the Legislature of Ontario.*

(3) For greater certainty it is hereby declared, that notwithstanding the provisions of section 75 an appeal shall lie to the Court of Appeal from any judgment, order or decision of a Divisional Court in any of the cases mentioned in subsection 2 in which such appeal now lies.

67.—(1) Subject to rules of Court the following proceedings and matters shall be heard and determined by a Divisional Court of the High Court :

- (a) Proceedings directed by any Statute to be taken before the High Court in which the decision of the Court is final;
- (b) Cases of *habeas corpus* in which the Judge directs that the writ be made returnable before a Divisional Court;
- (c) Motions to quash summary convictions or orders including convictions and orders made or purporting to be made under the authority of Imperial or Dominion legislation;
- (d) Applications for a new trial in the High Court when the action has been tried with a jury;
- (e) Stated cases under *The Ontario Summary Convictions Act*, and amendments thereto, and under Section 900 of The Criminal Code, 1892;
- (f) Other cases where all parties agree to the same being heard by a Divisional Court.

(2). Nothing in this section contained shall take away or limit the power of a single Judge to hear and determine any proceeding or matter which he has heretofore had power to hear and determine or shall require any interlocutory proceeding heretofore taken before a single Judge to be taken before a Divisional Court.

Appeals to Divisional Court.

74. Subject to sections 72 and 73 of this Act an appeal shall lie to a Divisional Court of the High Court in the following cases:

(1) From any judgment, order or decision of a Judge of the High Court in Court, whether at the trial or otherwise,

(2) From a County Court, as provided in *The County Courts Act*;

(3) From a Surrogate Court or a Surrogate Judge, as provided in *The Surrogate Courts Act* and *The Act respecting Infants*;

(4) From a Division Court, as provided in *The Division Courts Act*;

(5) From a District Court, as provided in *The Unorganized Territory Act*;

(6) From a Judge or Stipendiary Magistrate, as provided in section 71 of *The Unorganized Territory Act*;

(7) From a Judge of a County Court upon appeal from a conviction or order arising out of or under *The Liquor License Act*;

(8) From a Judge of a County Court, as provided in *The Act respecting Water Privileges*.

(9) From a Judge of a County Court or a Stipendiary Magistrate as provided in *The Act for protecting the public interest in Rivers, Streams and Creeks*.

(10) Appeals which by *The Mechanics' and Wage Earners' Lien Act* are to be heard and determined by a Divisional Court.

No appeal from
Divisional
Court in Crown
cases save at
instance of the
Crown.

75. The judgment, order or decision of a Divisional Court shall be final and there shall be no further appeal therefrom, save only at the instance of the Crown in a case in which the Crown is concerned, and save as provided in sections 50 and 76

When appeal to
lie to Court of
Appeal from
Divisional
Court.

76. (1) An appeal shall lie to the Court of Appeal from the judgment, order or decision of a Divisional Court of the High Court in the following cases, that is to say:

(a) Where the judgment, order or decision is pronounced in an action or proceeding in the High Court and the Divisional Court is not unanimous;

(b)

- (b) Where the matter in controversy in the proposed appeal is of the sum or value of \$1,000, exclusive of costs, or involves indirectly or otherwise that sum or value;
- (c) Where the matter in controversy in the proposed appeal involves the validity of a copyright, trademark or patent;
- (d) Where the matter in controversy in the proposed appeal involves a question of the validity of an Act of the Parliament of Canada or of the Legislature of the Province of Ontario;
- (e) Where the judgment, order or decision involves a question of law or practice on which there have been conflicting decisions by Divisional Courts of the High Court and leave to appeal is obtained as herein provided;
- (f) Where the judgment, order or decision is in regard to a matter of practice or procedure but affects the ultimate rights of the parties to the action to the extent of the said sum or value;
- (g) Where there are special reasons for treating the case as exceptional and allowing a further appeal and leave to appeal is obtained as herein provided;
- (h) Generally, but not so as to restrict an appeal in any of the foregoing cases, in all cases in which from time to time an appeal would lie from the judgment of the Court of Appeal to the Supreme Court of Canada.

(2) Such leave to appeal may be given by a Divisional Court or a Judge of the High Court if a Divisional Court is not sitting or by the Court of Appeal or a Judge thereof if the Court of Appeal is not sitting. Leave to appeal, how given.

76a. In any case in which an appeal would lie from the Court of Appeal to the Supreme Court of Canada any party may by consent or by leave of the Court of Appeal or a Judge thereof appeal to the Court of Appeal from a judgment, order or decision of a Judge in court at the trial or otherwise, or may apply for a new trial of the action. Appeal to lie to Court of Appeal in cases which may be appealed to Supreme Court.

76b. Subject to rules of Court, the appeal books shall be printed. Appeal books to be printed.

76c. Subject to rules of Court, on appeals from a Divisional Court or under the provisions of section 76a security unless otherwise ordered by the Court of Appeal shall be given for the costs of the appeal. Security for costs on appeal

77. Nothing in section 76 contained shall be construed so as to permit an appeal to the Court of Appeal from the judgment, order or decision of a Divisional Court of the High Court. No appeal from Divisional Court decisions on appeals from superior courts, etc.

Court upon an appeal to the Divisional Court in any of the cases mentioned in clauses 2 to 9, both inclusive, of section 74, except from a judgment, order or decision of a Divisional Court upon an appeal from a Surrogate Court or a Surrogate Judge in the following cases:

(a) Matters of account or distribution where the amount in question is the sum or value of \$1,000, exclusive of costs.

(b) Where a proceeding might have been removed into the High Court, under the provisions of section 34 of *The Surrogate Courts Act*, and then only if leave to appeal shall have been obtained as herein provided.

Rev. Stat., c. 59.

Pending appeals.

3.—(1) Appeals pending, when this Act takes effect, shall be continued and proceeded with as if this Act had not been passed.

(2) An appeal shall be deemed to be pending if notice of appeal has been given.

Date of commencement of Act.

4. This Act shall take effect on the first day of September, 1904.

CHAPTER 12.

An Act to amend The Division Courts Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Division Courts Act* is amended by adding the following section thereto :—

72a. The amount or original amount of the claim shall not be deemed to be ascertained by the signature of the defendant or of the person whom, as executor or administrator, the defendant represents within the meaning of clause (d) of sub-section 1 of section 72, when in order to establish the claim of the plaintiff or the amount which he is entitled to recover, it is necessary for him to give other and extrinsic evidence beyond the mere production of a document and the proof of the signature to it.

2. Section 158 of *The Division Courts Act* is amended by adding thereto the following sub-section :—

(2) The Divisional Court shall be deemed to be seized of the appeal if and when the said certified copy shall have been filed as aforesaid ; and, subject to rules of Court, may extend the time for setting down the cause for argument and the time for giving notice thereof and of the appeal and of the grounds thereof, and for doing any act or taking any proceeding in or in relation to the appeal ; and may, if the certified copy filed is incomplete or inaccurate, direct the same to be amended or to be sent back to the clerk for amendment ; and may also allow the notice of the grounds of appeal to be amended as may to the Court seem just.

3. Sub-section 234 of *The Division Courts Act* is amended by inserting the word "mortgages" after the word "bonds" in the sixth line of the said section and by adding thereto the following sub-section :—

(2)

Enforcing
executions
against
mortgages.

Rev. Stat.,
c. 77.

- (2) For the purpose of seizing and enforcing payment of a mortgage, every bailiff or other officer shall have and may exercise the powers conferred on sheriffs by sections 23 to 28 of *The Execution Act*; and the provisions of the said sections as to registration and all other matters shall apply to seizures made by such bailiff or officer in like manner as to seizures made by a sheriff.

CHAPTER 13.

An Act respecting Justices of the Peace.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of *The Act respecting the Fees of Justices of the Peace* is repealed and the following substituted therefor :— Rev. Stat. c. 95, s. 2, repealed.

2. In cases not provided for by the preceding section Police Magistrates not receiving a salary and Justices of the Peace shall be entitled to receive the sum of \$2 for all services of every kind connected with the case where the time occupied by the hearing does not exceed two hours, and 50 cents for each additional hour above two hours, the said fees to be paid by the county. Fees in certain cases not otherwise provided for.

2. Section 3 of *The Act respecting the Fees of Justices of the Peace* is repealed and the following substituted therefor :— Rev. Stat. c. 95, s. 3, repealed.

3.—(1) Every Justice of the Peace wilfully receiving a larger amount of fees than by-law are authorized to be received shall forfeit and pay a sum not exceeding \$40, together with costs, and the same shall be recoverable on complaint and due proof made to the Judge of the County Court of the County in which such Justice resides, sitting in chambers without a jury ; provided that the Judge, if of opinion that the Justice did not wilfully receive a larger amount of fees than by law authorized or that he has been guilty of a merely technical offence, shall not in such case impose any penalty on the Justice. Penalty for charging excessive fees.

(2) Any person who claims that a Justice of the Peace is liable to the penalty above mentioned may, on filing an affidavit with the Clerk of the County Court, obtain a summons directed to such Justice of the Peace, requiring him to appear at such time and place as may be therein named to answer the matter of the complaint at the time and place so named. The person obtaining the summons and all the witnesses whom the Judge thinks requisite may be examined on oath touching the matters in question, and the Judge shall determine Summons to Justice.

determine the matter of the complaint in a summary way and may by his order direct the costs of the proceedings to be borne by either party or as he may deem proper.

Mode of
enforcing
judgment.

(3) The order of the Judge shall be enforceable in the same manner as a Judgment or order made in the Division Court ; and one moiety of any penalty shall be paid to the party complaining, and the other moiety to the Treasurer of the Province to and for the uses of the Province.

Practice and
procedure.

(4) The practice and procedure as to summoning witnesses and other matters not herein provided for shall be the same as in the Division Court and the costs shall be on the Division Court Scale.

Rev. Stat. c. 95, amended. 3. The said Act is further amended by adding thereto the following sections :—

Mileage
allowance.

5. A Police Magistrate or a Justice of the Peace, if of the opinion that for the convenience of witnesses and others it is expedient that he should attend at a distance from his residence in order to hear the evidence on a criminal charge, may attend accordingly, and in such case he shall be entitled to a mileage allowance of 13 cents a mile one way for the distance necessarily travelled, the same to be paid by the County.

Limitation of
actions.

6. All actions for penalties arising under the provisions of this Act must be commenced within six months next after the cause of action accrues, and the same shall be tried in the County or District wherein such penalties have been incurred.

CHAPTER 14.

An Act to amend The General Road Companies Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of The Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 54 of *The General Road Companies Act* is amended by adding thereto the following clause:— Rev. Stat., c. 193, s. 54, subsec. 1, amended.

(d3) For every threshing or traction engine and for every threshing machine and water cart drawn by such engine or by horses or mules, five cents.

2. *The General Road Companies Act* is amended by adding the following section thereto:— Rev. Stat., c. 193, amended.

152—(1.) Where any toll road has heretofore been leased by any municipality to any person whose duty it is to keep such road in proper state of repair, and the lessee refuses or neglects to put such road in good and efficient repair within the time limited by the Inspector of Toll Roads, according to any report made by him under the provisions of this Act, then and in every such case such municipality may take possession of such toll road and toll houses, and the toll bars and weighing scales thereon, and may, while in possession thereof, make all necessary repairs thereon; including repairs from time to time necessary for the proper maintenance of the road; and may collect the tolls thereon until the cost of such repairs, together with the interest thereon at the rate of 5 per cent. per annum, is fully paid. Such repairs shall include the erection of new bridges; but such new bridges shall be erected and repairs made subject to the approval of the Commissioner of Public Works of the Province of Ontario. The Inspector of Toll Roads shall give fourteen days notice of the date of any inspection for the purpose of making such report to the lessee, or to an attorney appointed under his seal, notice of whose appointment shall be filed with the clerk of the county through which the road runs, within 30 days after the passing of this Act. In default of such appointment the

Taking possession of leased road when notice to repair not complied with.

said notice may be given by registered letter addressed to the lessee at his last known residence or business address, and the said report shall be served upon the lessee or upon the said attorney, or in default of his appointment then by registered letter addressed as hereinbefore set out; and the said lessee shall have the right to appeal from the said report to the Commissioner of Public Works of the Province of Ontario.

Cost of repairs]
after taking
possession.

(2) The cost of such repairs, including interest thereon as aforesaid, shall be a charge upon such toll road, toll houses, toll bars, weighing scales, tolls and other property used in connection with such toll road, and shall have priority over all mortgages, liens, charges or encumbrances now or hereafter existing against the said road; and, if the amount thereof, after allowing credit thereon for all tolls collected, (deducting the expenses of and incidental to the collection of such tolls) be not paid to such municipality within five years from the time it becomes entitled to collect such tolls as aforesaid, such municipality shall thereupon be entitled to such road absolutely as against the lessee thereof and all persons claiming title thereto under him.

**Judgments,
etc., not to take
effect until
forfeiture.**

(3) No judgment for forfeiture by reason of the breach of any covenant, proviso or condition in any lease or agreement in any action or proceeding shall take effect or be enforced unless and until the municipality shall become entitled to a forfeiture under the preceding sub-section.

**Taking posses-
sion after
action for
damages for
non-repair.**

(4) In case any municipality shall in any action be compelled to pay any damages or costs by reason of the neglect of the person whose duty it is to keep such toll road in a proper state of repair, then and in every such case the municipality may immediately take possession of such toll road and other property and may collect the tolls thereon and may make all necessary repairs for the proper maintenance of the road; and the amount paid by the municipality as damages or costs as well as the cost of such repairs, after deducting the amount of the tolls collected less the expenses incurred in the collection thereof shall be a first charge upon such toll road and other property, and shall be repayable, together with interest thereon at the rate of 5 per cent per annum, to such municipality within one year after the payment by the municipality; and in default of such payment the municipality shall thereupon become entitled to such toll road and other property absolutely.

**Bridges oves
20 feet to be
approved by
Commissioner
of Public
Works.**

(5) No new bridge over twenty feet in length shall hereafter be erected upon any toll road by the person whose duty it is to repair the same until the plans and specifications for such class of bridge shall have been approved by the Commissioner of Public Works of the Province of Ontario.

**3 EDW. VII.
c. 14, s. 17,
amended.**

(6) Section 17 of Chapter 14 of the Acts passed in the 3rd year of His Majesty's reign is amended by inserting after the word

word "grades" in the third line thereof the words "or materials of which any bridges are constructed unless the same are otherwise out of repair under this Act."

(7) "Lessee" shall include the assignee of a lessee or any person claiming or deriving title to a toll road through him under and by virtue of the original lease made by the municipality.

"Lessee," meaning of

CHAPTER 15.

An Act to amend The Ontario Insurance Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.,
c. 4203, s. 33,
amended.

1. Section 33 of *The Ontario Insurance Act* is amended by adding after sub-section 2 thereof the following sub-section :—

2a. On any application to the Insurance Registrar for incorporation as a Friendly Society under sections 33 to 39 of this Act, the applicants shall be required to shew to his satisfaction that there is real and substantial reason and necessity for the society proposed to be incorporated, and that the granting of the application would not be contrary to law or to the public interest.

Rev. Stat.,
c. 203, s. 2 (39),
repealed.

2. Sub-section 39 of section 2 of *The Ontario Insurance Act* is repealed and the following is substituted therefor :—

"Guarantee
Insurance"
shall include,
"Fidelity
Insurance."

39. "Guarantee Insurance" shall include the following :—

(a) "Fidelity Insurance" whereby the insurer insures against the dishonesty, unfaithfulness, negligence, or default of employees, or trustees, or persons occupying public or private positions of duty, trust, confidence or agency.

"Title
Insurance."

(b) "Title Insurance" whereby the insurer insures the validity of title to property, real or personal ; or insures the legality and validity of written obligations or of other instruments.

"Credit
Insurance."

(c) "Credit Insurance" whereby the insurer insures against the insolvency of debtors or against loss from giving or extending credit.

Contracts of
Suretyship, etc.

(d) Any contract whereby the insurer undertakes suretyship ; or undertakes to pay money or perform a contract, trust or duty on default of another who is in the first instance liable for such payment or performance.

Provided

Provided that no Guarantee Company incorporated under Proviso. this Act shall have power to undertake or transact Title Insurance or Credit Insurance unless expressly so empowered by the Letters Patent of Incorporation.

3. Section 86a of *The Ontario Insurance Act*, as enacted Rev. Stat., c. 203, s. 86a, by 2 Edward VII., chapter 12, section 22, sub-section 5, is amended. amended by striking out the word "manufacturing" in the first line of the section, and by inserting after the word "in" in the ninth line, the words "or with" and after the word "corporations" in the ninth and tenth lines, the words "insurers or underwriters."

4. Sub-section 2 of section 129 of *The Ontario Insurance Act* Rev. Stat., c. 203, s. 129 (2), is amended by adding after the proviso to the said amended. sub-section a further proviso as follows:—

"Provided further that on every premium note taken for insurance by a mutual or cash-mutual fire insurance company incorporated after the first day of June, 1904, there shall be payable at the commencement of each year of insurance a fixed sum amounting to at least one-fifth of one per centum of the sum insured; and the premium note shall, as to the balance thereof, be subject to assessment by the Board of Directors."

5. Sub-section 4 of section 144 of *The Ontario Insurance Act* Rev. Stat., c. 203, s. 144 (4), is amended by adding at the end thereof the following amended. words:—

"or the effect of the provisions contained in the Act of Ontario passed in the fourth year of His Majesty's reign and intituled "An Act respecting Weather Insurance."

6. *The Ontario Insurance Act* is amended by inserting Rev. Stat., c. 203 amended. after section 145 thereof, section 145a as follows:—

145a.—(1) Every contract of Title Insurance shall be in Contracts of writing, and (in addition to the other requirements prescribed Title Insurance. by this Act) shall expressly limit the liability of the insurer to a sum stated in the contract; and no contract of Title Insurance shall be made for a longer term than twenty years.

(2) For purposes of any financial statement required to be made under *The Ontario Insurance Act* by a company transacting any form of Guarantee Insurance the liability of the company in respect of any of its unexpired insurance contracts then unmatured shall be the unearned premium computed *pro rata* as at the rate of such statement. Liability of company on unexpired contracts of Guarantee Insurance.

(3) In case any question arises under a contract of Title Insurance as to the validity of the title insured, or as to the liability of the insurer, the insurer or the assured or any person entitled to proceed in right of either may by motion Questions as to validity of made

Rev. Stat.,
c. 134

made as under *The Vendors and Purchasers Act*, have such question summarily determined as is in that Act provided in the case of vendors and purchasers of land.

3 EDW. VII.,
c. 15, s. 7,
repealed.

Provision
where pre-
ferred bene-
ficiary pre-
deceases the
assured.

7. Sub-section 8 of section 159 of *The Ontario Insurance Act* as enacted by section 7 of the *Act to amend the Insurance Act* passed in the third year of His Majesty's reign, chaptered 15, is repealed and the following substituted therefor :—

(8) If one, or more, or all of the designated or ascertained preferred beneficiaries, whether an apportionment has been made or not, die in the lifetime of the assured, the assured may, by an instrument in writing attached to or endorsed on or referring to and identifying the policy of insurance by number or otherwise, declare that the share or shares of the person or persons so dying shall be for the benefit of the assured or his estate or any person or persons named or ascertained by him in that behalf, whether or not the person or persons so named or ascertained belong to the preferred class of beneficiaries ; and in default of any such declaration the share or shares of the person or persons so dying shall be for the benefit of the survivor or survivors (in equal shares) of the said designated or ascertained preferred beneficiaries ; or if there is no such survivor the insurance shall be for the benefit, in equal shares, of the children of the assured, and if no surviving children of the assured then the insurance shall form part of the estate of the insured.

Rev. Stat.,
c. 203, s. 166,
amended.

8. Section 166 of *The Ontario Insurance Act* is amended by adding thereto the following subsection :—

(2) Any Insurance Company standing registered under this Act for the transaction of fire insurance, and lawfully insuring any mercantile or manufacturing risk against fire, may either by the same contract or by a separate contract insure the same risk against loss or damage arising from defects in or injuries to sprinklers or other fire extinguishing appliances.

Rev. Stat.,
c. 203, s. 167(1a),
amended.

9. Clause (a) of sub-section 1 of section 167 of *The Ontario Insurance Act* is amended by inserting after the word "company," in the second line of the clause, the words "incorporated before the first day of June, 1904."

CHAPTER 16.

An Act respecting Weather Insurance.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act shall be read and construed as one with *The Ontario Insurance Act*, as the said last mentioned Act shall from time to time stand amended. Act to be read with Rev. Stat., c. 203.

2. (1) In this Act, “Agricultural Property” includes the following property:— Interpretation.

Dwelling-houses, stables, barns, accompanying sheds and outbuildings, together with the contents in each case respectively; waggons, carriages, and other vehicles; saddles and harness; agricultural engines, implements, tools, instruments, appliances and machinery; household goods, wearing apparel, provisions, musical instruments, and libraries; live stock; growing crops, and crops severed from the land; fruit and ornamental trees, shrubs and plants; and live or standing timber,— “Agricultural Property.”

all of the said property being upon farms as farm property, and owned by members of the company in which the said property is insured.

(2) In this Act, “Weather Insurance” means and includes the insurance of any kind of agricultural property against loss or injury arising from such atmospheric disturbances, discharges or conditions as the contract of insurance shall specify. “Weather Insurance.”

(3) “Company” means a company incorporated under this Act for the transaction of weather insurance. “Company.”

3. (1) Upon the same proceedings taken and requirements fulfilled as are prescribed by sections 8 to 19 (inclusive) of *The Ontario Insurance Act*, a mutual insurance company may become incorporated, licensed and registered for the transaction of weather insurance, and thereupon, subject as hereinafter provided, all sections of *The Ontario Insurance Act* relative to Mutual insurance company how incorporated.

to a mutual fire insurance company shall, mutatis mutandis, apply to the company formed under this sub-section.

Mutual
company
may become
cash-mutual.

Rev. Stat.,
c. 203.

Corporate
name.

Contract of
insurance not
to exceed
three years.

Fixed pay-
ments on
premium note.
Premium
note as to the
balance to be
subject to
assessment.

Rev. Stat., c.
203, ss. 143 to
146 (inclusive)
to apply to
the company's
contracts.

Statutory
conditions to
be part of
every policy
unless varied.

(2) Upon the same proceedings taken, and requirements fulfilled as are prescribed by sections 20 to 24 (inclusive) of *The Ontario Insurance Act*, the said mutual company may become licensed and registered as a cash-mutual company; and thereupon, subject as hereinafter provided, all sections of *The Ontario Insurance Act* relating to a cash-mutual fire insurance company shall, *mutatis mutandis*, apply to the company formed under this sub-section.

(3) The last words of the corporate name of every company incorporated under this Act shall be "Weather Insurance Mutual (or "Cash-Mutual," as the case may be,) Company."

4. The company shall not undertake any contract of insurance for a term exceeding three years.

5. On every premium note taken by the company for insurance there shall be payable at the commencement of each year of insurance a fixed sum amounting to at least one-fifth of one per centum of the sum insured; and the premium note shall, as to the balance thereof, be subject to assessment by the Board of Directors.

6. Section 143 to 146 (inclusive), of *The Ontario Insurance Act* shall, so far as the subject admits, apply to the company's contracts.

7. The conditions set forth in this section shall, as against the insurer, be deemed to be part of every contract of weather insurance hereafter entered into or renewed or otherwise in force in Ontario with respect to any property therein or in transit therefrom or thereto, and shall be printed on every such policy with the heading *Statutory Conditions*, and no stipulation to the contrary, or providing for any variation, addition or omission, shall be binding on the assured unless evidenced in the manner prescribed by sections 8 and 9 of this Act.

Statutory Conditions.

Misrepresen-
tation or
omission.

Condition 1. If any person or persons insures his or their property, and causes the same to be described otherwise than as it really is, to the prejudice of the company, or misrepresents or omits to communicate any circumstance which is material to be made known to the company, in order to enable it to judge of the risk it undertakes, such insurance shall be of no force in respect to the property in regard to which the misrepresentation or omission is made.

Condition

Condition 2. After application for insurance it shall be deemed that any policy sent to the assured is intended to be in accordance with the terms of the application, unless the company points out, in writing, the particulars wherein the policy differs from the application.

Condition 3. Any change material to the risk, and within the control or knowledge of the assured, shall avoid the policy as to the part affected thereby, unless the change is promptly notified in writing to the company or its local agent; and the company when so notified may return the premium for the unexpired period and cancel the policy, or may demand in writing an additional premium, which the assured shall, if he desires the continuance of the policy, forthwith pay to the company; and if he neglects to make such payment forthwith after receiving such demand, the policy shall be no longer in force.

Condition 4. If the property insured is assigned without a written permission indorsed hereon by an agent of the company duly authorized for such purpose, the policy shall thereby become void; but this condition does not apply to change of title by succession or by the operation of the law, or by reason of death.

Condition 5. Where property insured is only partially damaged, no abandonment of the same will be allowed unless by the consent of the company or its agent; and in case of removal of any property hereby insured, to prevent damage thereto, the company will contribute to the loss and expenses attending such act of salvage proportionately to the respective interests of the company, or companies, and the assured.

Condition 6. Money, books of account, securities for money, and evidences of debt or title are not insured.

Condition 7. Plate, jewelry, medals, paintings, sculptures, curiosities, bullion, works of art, articles of vertu, frescoes, watches, trinkets and wall mirrors are not insured unless mentioned in the policy.

Condition 8. The company is not liable for loss if there is any prior insurance in any other company, unless the company's assent thereto appears herein or is indorsed hereon, nor if any subsequent insurance is effected by any other company, unless and until the company assents thereto, or unless the company does not dissent in writing within two weeks after receiving written notice of the intention or desire to effect the subsequent insurance, or does not dissent in writing after that time and before the subsequent or further insurance is effected.

Condition 9. In the event of any other insurance on the property herein described having been assented to as aforesaid, then this company shall, if such other insurance remains in force, on the happening of any loss or damage, only be liable

Policy sent to
be deemed as
applied for
unless variance
pointed out.

When a chance
as to risk shall
avoid a policy.
Notice of
change, etc.

Change of
property.

Partial
damage,
salvage.

Money securi-
ties, etc.

Plate,
paintings, etc.

Prior or
subsequent
insurance.

Case of assent
to other in-
surance.

Liability in
case of non-
ownership.

Where build-
ings or struc-
tures have been
weakened by
alterations
made without
consent.

Proof of loss
when payable
to other than
assured.

Directions to
be observed
on making
claim.

Proof of loss
may be made
by agent.

liable for the payment of a rateable proportion of such loss or damage without reference to the dates of the different policies.

Condition 10. The company is not liable for the losses following, that is to say :

- (a) For the loss of property owned by any other party than the assured, unless the interest of the assured is stated in or upon the policy ;
- (b) For loss or damage occurring to buildings or structures, or to their respective contents, where the buildings or structures have been weakened by subsequent alterations ; unless permission to make such alterations has been previously granted in writing signed by a duly authorized agent of the company.

Condition 11. Proof of loss must be made by the assured although the loss be payable to a third party.

Condition 12. Any person entitled to make a claim under this policy is to observe the following directions :

- (a) He is forthwith after loss to give notice in writing to the company ;
- (b) He is to deliver, as soon after as practicable, as particular an account of the loss as the nature of the case permits ;
- (c) He is also to furnish therewith a statutory declaration declaring,
 - i. That the said account is just and true ;
 - ii. When and how the loss or damage originated, so far as the declarant knows or believes ;
 - iii. That the loss or damage was not caused through his wilful act or neglect, procurement, means or contrivance ;
 - iv. The amount of other insurances ;
 - v. All liens and incumbrances on the subject of insurance ;
 - vi. The place where the property insured, if moveable, was deposited at the time of the loss or damage ;
- (d) He is in support of his claims, if required and if practicable, to produce books of account, receipts, invoices and vouchers.

Condition 13. The above proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for.

Condition

Condition 14. Any fraud or false statement in a statutory declaration, in relation to any of the above particulars, shall vitiate the claim. False statement or fraud vitiates claim.

Condition 15. The loss shall not be payable until sixty days after the completion of the proofs of loss, unless otherwise provided for by the contract of insurance. Loss when payable.

Condition 16. The company, instead of making payment, may repair, rebuild or replace, within a reasonable time, the property damaged or lost, giving notice of its intention within fifteen days after receipt of the proofs herein required. Company may replace instead of paying.

Condition 17. The insurance may be terminated by the company by giving notice to that effect, and, if on the cash plan, by tendering therewith a rateable proportion of the premium for the unexpired term, calculated from the termination of the notice; in the case of personal service of the notice, five days' notice, excluding Sunday, shall be given. Notice may be given by any company having an agency in Ontario by registered letter addressed to the assured at his last post-office address notified to the company, or where no address notified, then to the post-office of the agency from which the application was received; and where such notice is by letter, then seven days from the arrival at any post-office in Ontario shall be deemed good notice, and the policy shall cease after such tender and notice aforesaid, and the expiration of the five or seven days, as the case may be. Insurance terminable on notice.

(a) The insurance, if for cash, may also be terminated by the assured by giving written notice to that effect to the company or its authorized agent, in which case the company may retain the customary short rate for the time the insurance has been in force, and shall repay to the assured the balance of the premium paid.

Condition 18. No condition of the policy, either in whole or in part, shall be deemed to have been waived by the company, unless the waiver is clearly expressed in writing, signed by an agent of the company. Waiver of condition.

Condition 19. An officer or agent of the company, who assumes on behalf of the company to enter into any written agreement relating to any matter connected with the insurance, shall be deemed *prima facie* to be the agent of the company for the purpose. Officers assuming to agree in writing to be deemed agents.

Condition 20. Every action or proceeding against the company for the recovery of any claim under or by virtue of this policy, shall be absolutely barred, unless commenced within the term of one year next after the loss or damage occurs. Actions to be brought within one year.

Condition 21. Any written notice to a company for any purpose of the statutory conditions, where the mode thereof is not expressly provided, may be by letter delivered at the head What constitutes written notice.

head office of the company in Ontario, or by registered post letter addressed to the company, its manager or agent, at such head office, or by such written notice given in any other manner to an authorized agent of the company.

Variations how indicated.

8. If the insurer desires to vary the said conditions, or to omit any of them, or to add new conditions, there shall be added on the instrument of contract containing the printed statutory conditions, words to the following effect, printed in conspicuous type and in ink of a different colour :—

Variations in Conditions.

"This Policy is issued on the above Statutory Conditions with the following variations and additions :

"These variations (*or as the case may be*) are, by virtue of the Ontario Statute in that behalf, in force so far as, by the Court or Judge before whom a question is tried, relating thereto, they shall be held to be just and reasonable to be exacted by the company."

Variations not binding unless clearly indicated.

9. No such variation, addition or omission, shall, unless the same is distinctly indicated and set forth in the manner or to the effect aforesaid, be legal and binding on the assured ; and no question shall be considered as to whether any such variation, addition or omission is, under the circumstances, just and reasonable, but on the contrary, the policy shall, as against the insurer, be subject to the statutory conditions only, unless the variations, additions or omissions are distinctly indicated and set forth in the manner or to the effect aforesaid.

Optional with insurers to pay claims void under certain statutory conditions.

Provided it shall be optional with the insurers to pay or allow claims which are void under the 3rd, the 4th, or the 8th Statutory Condition, in case the insurers think fit to waive the objections mentioned in the said conditions.

Policy containing other than statutory conditions.

10. In case a policy is entered into or renewed containing or including any condition other than or different from the conditions set forth in section 7 of this Act, if the said condition so contained or included is held by the Court or Judge before whom a question relating thereto is tried, to be not just and reasonable, such condition shall be null and void.

If due proof of loss not given through accident, etc., or objection not made thereto, or made on other grounds than non-compliance with conditions :

11.—(1) Where, by reason of necessity, accident or mistake, the conditions of any contract of weather insurance as to the proof to be given to the insurance company after the occurrence of a loss have not been strictly complied with ; or where after a statement or proof of loss has been given in good faith by or on behalf of the assured, in pursuance of any proviso or condition of such contract, the company, through its agent or otherwise, objects to the

the loss upon other grounds than for imperfect compliance with such conditions or does not within a reasonable time after receiving such statement or proof notify the assured in writing that such statement or proof is objected to, and what are the particulars in which the same is alleged to be defective, and so from time to time; or where, for any other reason, the Court or Judge before whom a question relating to such insurance is tried or inquired into, considers it inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such conditions—no objection to the sufficiency of such statement or proof, or amended or supplemental statement or proof (as the case may be) shall, in any of such cases be allowed as a discharge of the liability of the company on such contract of insurance.

Or, if full
compliance
adjudged
inequitable.

In above cases
liability and
policy not
vacated.

(2) If in any action or proceeding upon a contract of weather insurance, the assured, being plaintiff in such action or proceeding, has in the opinion of the Court or Judge, wilfully neglected or unreasonably refused to furnish necessary information respecting the property for which the insurance money is claimed, and if, as a consequence of such neglect or refusal, the defendant company has been at expense in obtaining information or evidence, the Court or Judge may, in disposing of costs, take into consideration the expense so incurred by the defendant company.

Allowance for
costs occasion-
ed by default
of plaintiff.

12. A decision of a Court or Judge under this Act shall be subject to review or appeal to the same extent as a decision by such Court or Judge in other cases.

Decisions
under this Act
subject to
ordinary right
of appeal.

CHAPTER 17.

An Act to amend The Loan Corporations Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Act to be read with Rev. Stat. c. 205.

1.—(1) This Act shall be read and construed as one with *The Loan Corporations Act*.

Interpretation :
“ Legal rate of interest,” R.S.C., c. 127, s. 2.

(2) In this Act the phrase “legal rate of interest” means the rate of interest which by virtue of the Revised Statute of Canada intituled *An Act respecting Interest*, (or of any Act amending, consolidating, or revising the same,) is payable where no rate is fixed by agreement of parties or by law.

3 Ed. VII.
c. 11, applies
to mortgages
made to loan
corporations.

2. It is hereby declared that the Act passed in the third year of His Majesty’s reign, chaptered eleven, and intituled, *An Act respecting Mortgages of Real Estate*, applies to all mortgages made to loan corporations after the passing of the said Act.

Application
of section.

3.—(1) This section shall apply to any contract of loan made or renewed in Ontario after the first day of June, 1904, by any loan corporation to any borrower on the security of any property, real, personal, or mixed, or made or renewed to any borrower elsewhere on the security of such property situate in Ontario; and this section shall have effect as against the lender notwithstanding any stipulation or agreement to the contrary.

Contract of
loan to be by
instrument
setting out all
the terms.

(2) Where any loan or advance is made by the loan corporation, the contract shall be evidenced by a written instrument within or on which all the terms and conditions of the contract shall be clearly set out; and unless so set out, no term of, or condition, stipulation, warranty, by-law, resolution, rule, or proviso, varying or modifying the contract shall be valid or shall be admissible in evidence to the prejudice of the borrower: provided, however, that nothing contained in this section

Proviso.

section shall prevent the application to the said contract of Rev. Stat., c. Chapter 121 of the Revised Statutes of Ontario, 1897,¹²¹.
Respecting Mortgages of Real Estate; or shall prevent the use in the said contract of the short form authorized by chapter 126 of the said statutes, *Respecting Short Forms of Mortgages*, if such contract is expressed to be in pursuance of the said last Rev. Stat. c. 126.¹²²

(3) The contract shall not, as against the borrower, whether a shareholder or not of the corporation, be in anywise altered, varied or affected by any by-law, resolution, or rule of the corporation subsequently passed or adopted.

(4) The said instrument shall fully and clearly state by the payment of what specific sum or sums, and when and where payable, the loan or mortgage debt is to be discharged; also in case the loan or mortgage debt is dischargeable by instalments or periodical payments, the said instrument shall further clearly set out the several amounts of such instalments or periodical payments, and the number thereof respectively required to discharge the loan or mortgage debt. The payments to be made by the borrower shall be limited to the lawful requirements of the said instrument; and no term or condition of the contract of loan, or of any contract or agreement collateral thereto, shall render the borrower liable to contribute for losses of the corporation, or to make good any impairment of its capital.

(5) Where the instrument of contract does not comply with the requirements of this section the loan or mortgage debt shall be held to consist of the principal sum or sums actually received by the borrower (less such sum or sums repaid by, or standing to the credit of, the borrower) together with simple interest thereon calculated at the legal rate of interest on such sum or sums of principal for the actual time or times during which the borrower has had the use thereof.

4. After sub-section 2a of section 117 of *The Loan Corporations Act*, (as enacted by section 12 of the Act passed in the sixty-third year of Her late Majesty's Reign, Chaptered 27, and amended by section 9 of the Act passed in the third year of His present Majesty's Reign, Chaptered 16) there shall be inserted clauses (b) (c) and (d), as follows:—

(b) In this clause lettered (b):—

“ Consideration ” means any consideration which includes an entrance or membership fee, or expense contribution, initial, renewal, periodical, or recurrent, or which includes any periodical or recurrent contribution to a fund, or account, or source for, or intended or alleged to be for, the carrying out of any such contract as in this clause defined:

“ Contract ” means and includes any contract, agreement, “ Contract.” undertaking, or promise upon such consideration

(i)

Interpretation:
“ Consideration.”

Rev. Stat.
c. 205, s. 117
amended.

Contract not
to be affected
by subsequent
by-laws, etc.

Instrument to
state particu-
lars of pay-
ment required
to discharge.

Borrower not
liable to con-
tribute for
losses of cor-
poration or to
make good
impairment
of its capital.

Effect of non-
compliance.

- (i) To pay to or for the contract-holder any money or money's worth;
- (ii) To sell, supply or procure any building or site or land, or to bring about the purchase and sale or supply thereof; or
- (iii) To construct or procure the construction of any house or building.

And "contract" further includes any contract, agreement, undertaking, or promise, the benefit of which to the contract-holder paying such consideration is to be wholly or partly postponed or deferred until other contract-holders have been provided for, or is to depend upon the number or the persistence of the other contract-holders, or upon the accession of new contract-holders, or upon the order or sequence of the contract.

Breach of
Clause (b).

Rev. Stat.,
c. 203.

Penalty.

Order for
restitution of
moneys taken.

Penalty for
non-compli-
ance with
said order.

Interpre-
tation :
"lender."

"Cost of the
Loan."

Where loan
induced by
misrepresen-
tation, etc.,
and cost of
loan exceeds
ten per cent.
per annum.

Any person, partnership, organization, society, association, company or corporation, not being a corporation registered under this Act, or under *The Ontario Insurance Act*, that undertakes or effects, or offers to undertake or effect any such contract shall be guilty of an offence against sub-section 1 of this section; and any person acting in behalf of such person, partnership, organization, society, association, company or corporation, shall be guilty of an offence against sub-section 2 of this section, and upon conviction thereof shall be liable to the same penalty as in the said sub-section 2 enacted; and sub-sections 3, 4, 5 and 6 of this section shall apply; also after any conviction the Magistrate or Justices mentioned in sub-section 2 of this section, may thereupon or thereafter make such order for the restitution of the moneys which were unlawfully taken, as shall to him or them seem just, together with costs; and in default of compliance with the said order, the said Magistrate or Justices shall have authority to commit the offender to the common goal or to the Central Prison for a term not exceeding twelve months.

(c) In this clause lettered (c), "Lender" means and includes any person, partnership, organization, society, association, company or corporation whatsoever, that advances or lends money; and "Cost of the Loan" means the whole cost of the loan to the borrower, and *inter alia* includes interest, discount, subscription, premium, dues, bonus, commission, brokerage fees and charges; but does not include actual disbursements (being lawful and necessary,) made to a Registrar of Deeds, a Master or Local Master of Titles, a Clerk of a County Court, a Sheriff, or a Treasurer of a Municipality.

In any loan of money not exceeding \$200, where the cost of the loan calculated as a percentage per annum on the money actually received by the borrower and for the actual time during which the borrower has had or is to have the use of the money, exceeds ten per centum per annum

annum, if on a complaint or information (which may be laid as provided in this section) it has been made to appear to the Magistrate or Justices that the borrower has been induced to enter into the contract by misrepresentation, or by concealment, suppression or omission of any material fact or term (including, *inter alia*, the amount of principal advanced and the rate per centum per annum of interest charged,) the Magistrate or Justices may summarily order that the loan shall be dischargeable by paying or tendering to the lender or his agent, within the time limited by the order, such sum or sums (to be stated in the order), as were actually received by the borrower (less such sum or sums repaid by, or standing to the credit of, the borrower) together with simple interest thereon calculated at the legal rate of interest on such sum or sums of principal for the actual time or times during which the borrower has had the use thereof ; and such order shall carry costs as against the lender. Upon payment or tender made of the amount directed by the order, the lender shall forthwith do all things and execute all instruments proper for the discharge, assignment, reassignment, transfer, release or surrender of the securities taken for the loan ; and in default of his doing so, he shall be liable to the same penalty or penalties as mentioned in subsection 2 of this section ; and to any action or proceeding against the borrower on the contract of loan, or on the securities, it shall be sufficient for the borrower to plead the said order.

(d) Where in any case arising under this section it is found by the Magistrate or Justices that the person charged or his agent is exhibiting or using any sign, inscription or name, or distributing, using or publishing any document (including any proposal, circular, card, advertisement, notice, application, contract or printed form,) which in the opinion of the Magistrate or Justices induces, or tends to induce, a violation of this section, or is likely to deceive or mislead the public either as to the party, or the status of the party undertaking the contract, or as to the nature, terms or effect of the contract, the Magistrate or Justices may summarily order the discontinuance of such sign, inscription, name or document ; and in case of non-compliance with the said order, the offender shall be liable to the penalty mentioned in subsection 2 of this section ; and subsections 3, 4, 5 and 6 of this section shall apply.

5.—(1) Section 26 of *The Loan Corporations Act* is hereby amended by striking out all the words after the word "construed" in the third line of the said section down to and including the word "any" in the fourth line, and by substituting therefor the following words :—

"to enlarge or to diminish the amount that may be borrowed by any."

Use of sign,
name or docu-
ment inducing
breach of sec-
tion, etc.;
order for dis-
continuance.

Penalty.

Rev. Stat.
c. 205, s. 26,
amended.

Rev. Stat.
c. 205, s. 88,
amended.

(2) Section 88 of *The Loan Corporations Act* is hereby amended by adding thereto subsection 2 as follows:—

(2) Except by consent of the Board of Directors no payment on account of permanent capital stock shall be made in advance of calls thereon; and if any payment, with such consent, is made, such payment shall not constitute the holder of shares a creditor of the Company for the amount so paid in advance of calls; and any sum so paid in advance of calls shall be entitled to participate in any dividend declared, but shall not bear interest, and shall not constitute a loan to or a debt of the Company; and the shareholder shall be entitled to have any such advance payment credited to him *pro tanto* as against subsequent calls.

By-law annexed to the
Act to bind
corporations
issuing terminating
shares.

Rev. Stat.,
c. 205.

6. As from the tenth day of September, 1903, the By-law annexed to this Act is hereby declared to be, and as from the said date to have been, binding and obligatory upon all corporations then issuing and entitled to issue shares of terminating or withdrawable stock; and the said By-law shall not be repealed, or in anywise amended, altered or varied except by an Act of the Province of Ontario; and only those corporations now standing registered under *The Loan Corporations Act* which enacted the said By-law as a by-law of the Corporations to take effect as from the tenth day of September, 1903, and which before the first day of January, 1904, filed with the Registrar of Loan Corporations a copy of the said By-law together with proof that the same was so enacted, shall be deemed entitled to issue any terminating or withdrawable stock or shares.

BY-LAW.

Relating to Terminating Shares.

(Referred to in Section 6 of the Foregoing Act.)

—(1) This By-law shall take and have effect on, from and after the tenth day of September, A.D. 1903, and shall apply to all shares of terminating or withdrawable stock, hereinafter called terminating shares, of the corporation issued on or after the said date; but shall not apply to any shares or stock issued before the said date.

(2) All By-laws and enactments of the corporation inconsistent with this By-law are to the extent of such inconsistency hereby repealed.

2.—(1) No terminating shares shall be issued other than instalment shares, or prepaid shares, or fully-paid shares.

(2) Instalment share shall mean a terminating share requiring a stated number of fixed weekly or monthly payments; and in no case shall any instalment share require payments for a term exceeding ten years. When the stated number of payments have been made, the holder of the share shall be subject to no further demand or liability whatsoever in respect of the share.

(3) In the case of any prepaid share or fully-paid share, the whole consideration for the share shall be deemed to have been paid and satisfied by the shareholder at the issue of the share, and he shall be subject to no further demand or liability whatsoever in respect of the said share.

(4) Pursuant to the statute in that behalf, no share shall be issued or held by a person who is under 15 years of age.

3.—(1) As to any instalment share issued by the corporation after the tenth day of September, 1903, moneys paid thereon by the shareholder to the corporation shall not be legally recoverable except upon thirty days' notice in writing given to the corporation, and after the expiration of at least three years from the issue of the share.

(2) Every application for and certificate and pass-book of instalment shares shall bear at the head thereof notice in the words of the next preceding subsection, and the said notice shall be clearly printed or stamped in red ink.

(3) As to any prepaid or any fully-paid share issued by the corporation after the tenth day of September, 1903, moneys paid thereon by the shareholder to the corporation shall not be legally recoverable except upon thirty days' notice in writing given to the corporation, and after the expiration of at least five years from the issue of the share.

(4) Every application for, and certificate of prepaid or of fully paid shares shall bear at the head thereof notice in the words of the next preceding subsection, and the said notice shall be clearly printed or stamped in red ink.

(5) Any written notice required by this By-law to be given for any purpose by the shareholder to the corporation may be given by letter delivered at the head office of the corporation in Ontario, or by registered post letter prepaid and addressed to the corporation, its secretary or managing officer, at such head office.

4.—(1) The Tables, with the instructions thereto, contained in the Schedule to this By-law shall form an essential part of this By-law, and the value of any terminating share as ascertained by the said Schedule—hereinafter called the "tabular value" of the share—is the minimum sum which in the case of a non-borrowing shareholder shall be payable by the corporation to him in money, or in the case of a borrowing shareholder, shall be credited to him on the loan.

Provided that nothing contained in this By-law shall debar the corporation from paying or crediting to any shareholder by way of interest, profits or dividend a sum greater than, or additional to the said tabular value; or shall disentitle any shareholder, who has not withdrawn and is not in default and has not been paid off, from recovering at the maturity of a share, the maturity value of such share, or from having the said maturity value credited to him on a loan.

(2) In the case of any sum payable by the corporation under Section 5, or as a tabular value under this By-law, the said sum shall be payable within sixty days after the giving by the shareholder of the notice mentioned in Section 3. When a terminating share has matured, the maturity value contracted to be paid to the shareholder shall be deemed to have then accrued due, and shall be payable within sixty days thereafter.

(3) When a holder of a terminating share gives the corporation notice of withdrawal before the maturity of the share, and, in respect of the said share has received payment therefor from the corporation, as prescribed by the next preceding sub-section, he shall be deemed to have surrendered the share absolutely to the corporation, and all liability of the corporation upon the said share shall thereupon be deemed fully satisfied and discharged.

(4) With the consent of the shareholder, the corporation may, at any time before the expiration of the times limited by Section 3 or Section 5, pay off and cancel his shares.

(5) Upon thirty days' notice in writing given to the shareholder, and without his consent the corporation may at any time after the expiration

of the respective periods limited by Section 3 and Section 5, and before the maturity of his shares, satisfy and cancel his shares by paying him within sixty days from the giving of the said notice the tabular value of his shares computed as at the expiration of the said thirty days.

5.—(1) When the holder of an instalment share has paid the instalments thereon for a period of three years or over, the said shareholder, if he is not a borrower from the corporation, and is not in default of any instalment at the date of his notice, shall upon notice given as required by Section 3 be entitled to receive in money from the corporation the tabular value of the said share as found from Table A in the Schedule hereto.

(2) When the holder of an instalment share has paid the instalments thereon for a period of three years or over, but has during some subsequent half-year after the end of the third year fallen into default, such shareholder if he is not a borrower from the corporation shall be entitled to receive in money from the corporation the amount shown in the said Table A as at the last completed half-year, and also to receive back (without interest) the instalments (if any) paid by him during the incomplete half-year.

(3) Where the holder of an instalment share has not paid all the instalments for and during a period of three years, but has paid all the instalments for and during at least six months, the said shareholder, if he is not a borrower from the corporation, shall be entitled, after the expiration of the said three years, to receive in money from the corporation a sum equal to ninety per centum of the principal by him paid upon the said shares.

(4) The holder of a prepaid share or a fully-paid share, if he is not a borrower from the corporation, shall at any time after the expiration of five years from the issue of the share be entitled to receive in money from the corporation the tabular value of the said share as found from Table B in the Schedule hereto, less the sums, if any, already paid by the corporation to the holder in respect of the said share.

(5) Where the corporation has in terms of this By-law paid to the shareholder the withdrawal value of his share, the corporation shall in every case be deemed to have satisfied and discharged all its liability in respect of the said share, and the share shall be deemed to be cancelled.

C.—(1) Where the corporation has made a loan upon the sole security of terminating shares of the corporation the unpaid amount of the principal loaned and of the stipulated interest earned thereon shall be deducted from the tabular value of the shares.

(2) Where the loan is made on the security in part (whether such security is direct or collateral), of any terminating share of the corporation, the shareholder shall, at any time after the issue of the share and without giving notice, be credited on any statement of his loan account with the value of his share computed under the provisions of this By-law up to the date of the said statement, as if he were a non-borrowing shareholder giving and entitled to give withdrawal notice of that date.

SCHEDULE

Referred to in the foregoing By-law.

Table A.—To be Used for Ascertaining the Tabular Values of Instalment Shares.

(See By-law, Sections 4 et seq.)

Table showing, as at the end of each half-year, the amount of weekly and monthly payments of \$1, interest being allowed thereon at the rate of 3 per centum per annum and compounded half-yearly.

Amount of weekly payments of \$1, with interest as above.	Years.	Amount of monthly payments of \$1, with interest as above.	Amount of weekly payments of \$1, with interest as above.	Years.	Amount of monthly payments of \$1, with interest as above.
\$26 20	$\frac{1}{2}$	\$6 05	\$469 84	8	\$108 54
52 79	1	12 19	503 09	$8\frac{1}{2}$	116 22
79 78	$1\frac{1}{2}$	18 43	536 84	9	124 02
107 18	2	24 76	571 09	$9\frac{1}{2}$	131 93
134 99	$2\frac{1}{2}$	31 18	605 86	10	139 96
163 21	3	37 70	641 19	$10\frac{1}{2}$	148 11
191 86	$3\frac{1}{2}$	44 32	677 13	11	156 38
220 94	4	51 04	713 49	$11\frac{1}{2}$	164 78
250 45	$4\frac{1}{2}$	57 86	750 39	12	173 30
280 41	5	64 78	787 85	$12\frac{1}{2}$	181 95
310 82	$5\frac{1}{2}$	71 80	825 87	13	190 73
341 68	6	78 93	864 16	$13\frac{1}{2}$	199 64
373 01	$6\frac{1}{2}$	86 17	903 63	14	208 69
404 81	7	93 51	943 38	$14\frac{1}{2}$	217 87
437 08	$7\frac{1}{2}$	100 97	983 73	15	227 19

Instructions for the Use of Table A.

1. Where the fixed weekly or monthly payment on an instalment share is \$1, and such payments have been made for any number of complete half-years, the tabular value of the share is found from the table without calculation.

Example.—\$1 per month has been paid on an instalment share for $3\frac{1}{2}$ years; find the value of the share.

In the monthly payment column opposite $3\frac{1}{2}$ years the required value, \$44.32, is found.

2. Where the fixed weekly or monthly payment is other than \$1, then the amount shown in the table is to be multiplied by the actual weekly or monthly payment.

Example.—

Example.—0.45 per week has been paid for $5\frac{1}{2}$ years; find the value of the share:

In the weekly payment column opposite $5\frac{1}{2}$ years will be found \$310.82, which multiplied by .45 gives \$139.869 or \$139.87, the value required.

3. Where the period for which the payments have been made involves a fractional part of a half-year, take the amount at the half-year next below the actual period and add thereto the proportionate part of the difference between that amount and the next higher amount in the same column of the table.

Example 1.—To find the value of a share on which monthly payments of \$1 have been made for 4 years and $\frac{8}{12}$ month.

Here the time lies between $4\frac{1}{2}$ years and 5 years, and exceeds the former period by 2 months.

From the table the amount for 5 years is.....	\$64.78
From the table the amount for $4\frac{1}{2}$ years is.....	<u>57.86</u>

The difference for six months is.....	6.92
---------------------------------------	------

The difference for 2 months may for practical purposes be taken as 2-6 or 1-3 of \$6.92, which is \$2.3066 or....	2.31
---	------

To which add the amount above found for 4 years 6 months.....	<u>57.86</u>
---	--------------

The result is the value required, i.e., the value at the end of 4 years, 8 months...	60.17
--	-------

Example 2.—To find the value in the last example if the monthly payment had been \$0.70 instead of \$1.

Here multiply the value found in the last example, \$60.17, by .70, which gives \$42.1190 or \$42.12 as the value required.

TABLE B.—To be Used in Ascertaining the Tabular Values of Prepaid or Fully-paid Shares.

(See By-law, Section 4 et seq.)

Table showing, as to the end of each half year, the amount of \$1, with interest at 3 per centum per annum compounded half-yearly.

Years.	Amount.	Years.	Amount.
$\frac{1}{2}$	\$1.0150	8	\$1.2690
1	1.0302	$8\frac{1}{2}$	1.2880
$1\frac{1}{2}$	1.0457	9	1.3073
2	1.0614	$9\frac{1}{2}$	1.3270
$2\frac{1}{2}$	1.0773	10	1.3469
3	1.0934	$10\frac{1}{2}$	1.3670
$3\frac{1}{2}$	1.1098	11	1.3876
4	1.1265	$11\frac{1}{2}$	1.4084

TABLE B—*Concluded.*

Years.	Amount.	Years.	Amount.
4½	1.1434	12.....	\$1.4295
5.....	1.1605	12½.....	1.4510
5½.....	1.1780	13.....	1.4727
6.....	1.1956	13½.....	1.4948
6½.....	1.2136	14.....	1.5172
7.....	1.2318	14½.....	1.5400
7½.....	1.2502	15.....	1.5631

Instructions for the Use of Table B.

To ascertain the tabular value of a prepaid share or a fully-paid share at the end of any number of half-years and fraction of a half year up to

the limit of the table, find from the table the amount of \$1 for the given time and multiply that amount by the price at which the share was issued by the corporation.

Example 1.—Find the tabular value of a prepaid share issued at \$40, five years and six months having elapsed since the issue. Here the amount of \$1 for the exact time 5½ years is shown in the table to be 1.1780 and this, multiplied by \$40, gives \$47.12, the tabular value required.

Example 2.—Find the tabular value of a fully-paid share issued at \$100, six years and ten months having elapsed since its issue. Proceeding as in the last example given under Table A., the next lowest period shown in the table is 6½ years, and for that time the amount shown in the table is..... 1.2136

The difference of the amount for 7 years..... 1.2318

and the amount for 6½ years..... 1.2136

i.e. the difference for six months is..... .0182

For 4 months, the difference is 4-6 or 2-3 of .0182, which is.. .0121

Adding, the result is..... 1.2257

being the tabular value of the share if issued at \$1. But this share was issued at \$100 and therefore $1.2257 \times \$100$, or \$122.57 is the tabular value required.

Credits to Borrowing Shareholders Under Tables A. and B.

No sum paid in on a terminating share is legally recoverable in money from the corporation before the expiration of three years in the case of an instalment share, or of five years in the case of a prepaid or fully-paid share: By-law, Section 3, (1), (3). But, where a terminating share of any kind forms part of the security (direct or collateral) for a loan, the shareholder is entitled, at any time after the issue of the share, in any statement of the loan account to be credited with the then tabular value of the share, as found from Table A in the case of an instalment share, and from Table B in the case of a prepaid or a fully-paid share; By-law, section 6. In order to calculate credits to mortgagors, the Tables run from $\frac{1}{2}$ year to 15 years.

CHAPTER 18.

An Act respecting aid to certain Railways.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Aid to railways. **1.** There shall be granted out of the Consolidated Revenue Fund, for the construction of the railways hereinafter mentioned, the sums following, that is to say:—

To Huntsville
and Lake of
Bays Ry.

(1) To the Huntsville and Lake of Bays Railway, from the north end of Lake of Bays to the south end of Peninsula Lake, and from the east end of Lake of Bays to the west end of Hollow Lake, in the District of Muskoka, a cash subsidy of \$10,000.

To Grand
Trunk Pacific
Railway.

(2) To the Grand Trunk Pacific Railway from a point on Thunder Bay on the north shore of Lake Superior to the intersection of the said railway with the main line of the Eastern Division of the Grand Trunk Pacific Railway as it may be finally located in the District of Thunder Bay, a distance not exceeding 200 miles, a cash subsidy of \$2,000 per mile, and a land grant as hereinafter set forth of 6,000 acres per mile for each mile of the said distance.

Location of
lines to be
approved.

2.—(1) The location of the line of each of the railways for the construction of which the said subsidies are granted, shall be subject to the approval of the Railway Committee of the Executive Council of Ontario, having regard to the feasibility of the route and engineering difficulties of construction.

Information to
be furnished.

(2) Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Railway Committee of the Executive Council of Ontario and in every case the granting of the said subsidy shall be subject to compliance with such directions as may be given by the Railway Committee of the Executive Council of Ontario from time to time for the erection of stations, the number of the same and the intervals at which the

the stoppages shall be made at such stations for the accommodation of the public.

(3) The rates for passengers and freight which may be charged by each of the said companies on the said railways shall be such as may be approved of by the Railway Committee of the Executive Council of Ontario, and each of the said companies shall comply with any conditions now or hereafter imposed by any Act respecting the granting of aid to railways,

(4) Provided that the terms, directions and requirements of the said Railway Committee shall not be inconsistent with any order or regulation from time to time issued or made by the Board of Railway Commissioners for Canada or other competent authority under the provisions of any Act of the Parliament of Canada applicable to either of the said companies.

3.—(1) In addition to the provisions of *The Railway Act* with respect to tolls, to be taken or levied by the said companies, it is hereby enacted that there shall be no secret special rates, rebates, drawbacks or concessions to favoured shippers nor any act or thing that will affect or prevent free competition in any line or lines of trade.

(2) Each of the said companies shall be obliged upon the request of any township or county municipality through which the line of railway passes, to carry roadmaking material, gravel or stone, required for improving any of the roads within any such municipality, at the actual cost of handling and carriage.

4. Each of the companies to which aid is granted by this Act shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of railway and shall also adopt the latest appliances which are in use for the said purpose.

5.—(1) Each of the subsidies hereby granted shall be subject to the condition that each company to which the same is granted shall as far as practicable, construct, equip and operate its said line of railway, with railway supplies, and rolling stock of Canadian manufacture, whenever such railway supplies, and rolling stock can be procured as cheaply and upon as good terms in Canada as elsewhere, having regard to the quality and price among other things, and unless the Lieutenant-Governor in Council shall approve of the same being procured elsewhere.

(2) The cash subsidies and lands granted by this Act shall not be deemed to be earned nor shall the same be paid or be granted or conveyed, unless the rails used in the construction of

Rates to be
subject to
approval.

No discrimina-
tion in rates.
Rev. Stat. c.207.

Carrying road
material.

Fire regula-
tions to be
complied with

Rolling stock,
etc., to be of
Canadian
manufacture.

Rails to be
manufactured
in Canada.

of the railways so aided or any part thereof to which such aid applies, shall have been manufactured in Ontario, provided that the rails suitable for such construction are procurable in Ontario, or if not procurable in Ontario, then elsewhere in the Dominion of Canada, at a price not greater than the open market price in Great Britain or the United States of America, for rails of similar make and quality, with the current freight rates from the place of shipment in Great Britain or the United States to the place where required in Ontario added thereto.

Alien labour.

Rev. Stat. c.207.

6.—(1) No person shall be employed in the construction of either of the railways aided by this Act in contravention of *The Alien Labour Act* or the provisions of *The Railway Act of Ontario* respecting the employment of alien labour.

Rates of wages.

(2) The workmen, labourers, or servants employed in or about the construction and operation of each of the said railways shall be paid such rates of wages as may be currently payable to workmen, labourers or servants engaged in similar occupations in the district in which such railway is constructed and operated.

Board and accommodation for workmen.

(3) The workmen, labourers or servants employed in or about the construction of the said railways shall be charged fair and reasonable prices for any board, provisions, clothing and other necessaries of life and reasonable comforts supplied by the company constructing such railway, its agents or any person or persons authorized by such company to supply such goods and accommodation; and upon the breach of any of the provisions of this section or in the event of exorbitant charges being made by such company, its agents or other person or persons authorized by it, there may be deducted and retained from the cash subsidies or lands to be granted such amount of cash or land as the Lieutenant-Governor in Council may think proper.

Sanitary regulations.

(4) The Lieutenant-Governor in Council may instruct the secretary of the Provincial Board of Health to enforce such reasonable sanitary regulations on the works and in the camps connected therewith during the construction of the said railway as may be deemed necessary to maintain proper sanitary conditions and accommodation, and contractors shall have at each camp a tent and stove where in case of emergency a patient suffering from a contagious disease may be isolated at once, so as not to endanger the men in the camp.

Drainage.

7. Suitable culverts and openings shall be made in watercourses and at other points where necessary to provide for the proper flow of surface water from adjacent lands; and wherever under any Provincial Acts for the drainage of farm lands it is found necessary to construct a culvert, or deepen or enlarge a culvert already made, each of the companies aided by this Act shall, as a condition upon which such subsidy is granted, with the approval of the Lieutenant-Governor in

in Council, be considered as "owner" of lands under the provisions of *The Ditches and Watercourses Act* and *The Municipal Drainage Act*. Rev. Stat. c. c.
285 and 226.

8. The provisions of section 2, of chapter 35 of the Acts passed in the 52nd year of the reign of Her late Majesty, Queen Victoria, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of the said Act not inconsistent with this Act shall apply to the grants of cash subsidies hereby made. Term of payment of cash subsidies.

9. If the Grand Trunk Pacific Railway Company fails to comply with any of the provisions of subsection 2, of section 14, or of section 19, of this Act, or if either of the companies to which aid is granted by this Act, fails to comply with any of the provisions contained in section 3 of this Act, the company so in default shall forfeit to His Majesty a sum not exceeding \$500 for every day during which such default continues, to be recovered at the suit of the Attorney-General who shall also be entitled to take proceedings by way of injunction to prevent the infringement of any of the provisions of this Act, or to enforce the performance thereof by the company. Penalty for default of companies in certain cases.

10.—(1) With the approval of the Lieutenant-Governor in Council the said lands may be set apart for the said Grand Trunk Pacific Railway Company by the Commissioner of Crown Lands in alternate blocks of one or more but not exceeding three townships of six square miles each immediately adjoining the line of railway for the construction of which the said subsidy is granted but none of the lands so set apart shall be at a greater distance than eighteen miles from the said line of railway. Land grant to G.T.P. Ry.; how lands to be set apart.

(2) During the period of one year from the date of the filing in the Department of Crown Lands of a map or plan showing the location of the said line of railway no lands shall be located, leased or sold within a distance of eighteen miles on either side of the said line of railway until the said blocks of land hereinbefore referred to have been set apart and determined, but this provision shall not affect the rights of persons coming within the class or description mentioned in subsection 1 of section 14 of this Act. Withdrawal of lands on line of railway until lands set apart.

11. The unsurveyed lands to be granted to the said Grand Trunk Pacific Railway Company shall be surveyed by the Crown Lands Department and the plans and field notes thereof filed in the said Department; the surveys shall be in accordance with the system of surveys prescribed for the Crown Lands on the north shores of lakes Huron and Superior. Survey of lands set apart.

Grant may be made as 10-mile section completed.

12. Upon the construction and completion of any section (not being less than ten miles in length) of the railway to which the said land grant applies so as to admit the regular running of trains thereon, and upon the furnishing such equipment therefor as shall be required for traffic, the Lieutenant-Governor in Council, upon the request of the company, shall grant to the said company the lands applicable to such section according to the appropriation thereof made as hereinbefore provided, but subject to the provisions of this Act.

Lands to be granted in fee simple and to include minerals.

13.—(1) The lands hereinbefore set forth to be granted to the said Grand Trunk Pacific Railway Company shall be granted in fee simple, and such grant shall include all ores, mines and minerals, base and precious, and all powers, rights and privileges appertaining thereto, excepting those herein-after expressly reserved.

Lands to be subject to Rev. Stat., c. 31, and to reservations under 51 V., c. 8.

(2) The lands so granted shall be subject to all the provisions of *The Mines Act* and to all regulations made or to be made thereunder, saving and excepting parts II and III thereof, and shall be subject also to any reservations heretofore made under *The Act respecting Water Powers* and any regulations passed thereunder.

Grant of other lands when lands set apart found unsuitable.

(3) In the case of any lands which in the opinion of the Commissioner of Crown Lands are unfit for settlement, other lands may, at the option of the company, be set apart and substituted therefor, and the Lieutenant-Governor in Council may grant such other lands to the company in lieu of the lands for which they are substituted. The lands to be set apart and substituted shall be lands situate on or contiguous to the main line of the Eastern Division of the Grand Trunk Pacific Railway as finally located in the Districts of Thunder Bay and Algoma, and shall be so situated with reference to the said main line as are the lands set apart on the line aided by this Act.

Pine.

(4) All pine timber on lands granted to the said railway shall be reserved to the Crown and be the property of His Majesty, who may place the same under timber license and grant the licensees of the Crown the right to enter upon the lands make roads and do all things necessary to the removal of the said pine timber. No lands granted to the railway valuable for the pine timber thereon shall be opened for sale or settlement until the assent of the Crown has been obtained. Where lands have been duly and legally settled upon, the settlers thereon shall have the right to cut and use such pine timber as they may require for building and fencing on the land on which they are settled, and may also cut and dispose of all pine trees required to be removed in the actual clearing of their land for cultivation, but no pine trees (except for the necessary buildings and fencing as aforesaid) shall be cut beyond the limit of such actual clearing, and pine trees cut in the process of

of clearing and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or saw logs. But the company may from time to time cut and use such pine or other timber on lands situate within 18 miles of the line of railway and not under settlement or timber license as may be required for the construction of the railway or bridges thereon or such buildings as may be erected for construction purposes or as part of the undertaking of the company and the company shall as to the timber so cut be liable for the dues required of timber licensees under the regulations of the Crown Lands Department.

Right to take timber for construction purposes.

14.—(1) Where a block of land allotted to the said Grand Trunk Pacific Railway Company includes within its limits lands located or claimed by settlers or others having any right or interest therein under any Act of this Province, either as purchasers from the Crown or as bona fide applicants therefor, the lands so settled upon, purchased or applied for shall not be included in the block of land allotted to such company, but such company shall be entitled to an equal acreage of other land in lieu thereof, and the said substituted lands may be set apart and allotted as provided in subsection 3 of section 13 of this Act.

Lands already settled, in blocks set apart.

(2) None of the spruce timber on the lands so granted to the Grand Trunk Pacific Railway Company shall be exported in an unmanufactured condition from Canada, but the same shall be made into pulp, paper or other finished or partially finished articles of commerce within Canada, and all patents of lands granted to the said company shall contain a condition that all ores, minerals and timber upon the said lands shall be subject to such regulations as to treating and refining the ores and minerals and manufacturing the timber within Canada as may be applicable from time to time to other lands within the Province under the general law.

Spruce and minerals, etc., to be treated in Canada.

15. The said Grand Trunk Pacific Railway Company shall in every year during a period of ten years from the first day of January, 1906, place upon its said lands or the lands of the Crown adjacent thereto, at least four hundred male settlers, each of whom shall build or have built for him before or within one year of his being placed upon the said land a house fit for habitation at least sixteen feet by twenty feet, with other necessary buildings, and who (in the case of agricultural settlers) shall also perform within the time specified by *The Free Grants Act*, the settlement duties as to residence, clearing and cultivation by the said Act required in order to entitle a free grant settler to a patent of one hundred and sixty acres of land. Employees engaged in constructing the said line of railway and artizans, operatives and other employees and settlers now residing in the said districts shall not be included in the designation "settlers;" but save as aforesaid

Settlement—Company to settle at least 400 settlers annually for 10 years.

Proviso.

aforesaid regular employees of the said company and other artizans and operatives in the employment of any mining, industrial or manufacturing establishment in townships or municipalities in the District of Thunder Bay shall be included in the designation "settlers." Provided that every settler's son who is of the age of 16 years or over, and who resides with his father shall count as a settler within the meaning of this paragraph and the foregoing requirements as to the building of a separate house and other buildings shall not apply in the case of any such settler's son resident with his father.

Line aided,
completion of
to intersection
with main
line.

16. The said line of the Grand Trunk Pacific Railway Company aided by this Act shall be completed to the point of intersection with the main line of the eastern division of said railway not later than the date at which the construction of the said eastern division shall be completed from the westerly boundary of this Province to the said point of intersection.

Relief of lands
from certain
conditions on
company fur-
nishing
security.

17. Upon the completion of any section of the said railway not being less than ten miles in length, the Lieutenant-Governor in Council, upon the application of the company and upon such company furnishing such security for compliance with the terms of sections 15 and 16 of this Act as may be approved of by the Lieutenant-Governor in Council, the Lieutenant-Governor in Council may declare that such lands, or any portion thereof, which may have been granted to such company under section 12, or other provisions of this Act, shall thereupon be vested in the company in fee simple and freed from the conditions set forth in section 15 of this Act.

Algoma land
tax not to
apply.

18. The provisions of the Act chaptered 26 of the Revised Statutes of Ontario, 1897, shall not apply to any portion of the lands granted as aforesaid to the said Grand Trunk Pacific Railway Company.

Running
powers to
other com-
panies.

Proviso.

19. The granting of such subsidy to the Grand Trunk Pacific Railway Company and the receipt thereof shall be subject to the conditions that the Lieutenant-Governor in Council may at all times require the said company to provide and secure to other railway companies, or any of them, empowered to enter into agreements in respect thereof such running powers, traffic arrangements and other rights over and in respect of the railway for the construction of which the said subsidy is granted as will afford to all such railways connecting with the line so subsidized, reasonable and proper facilities in exercising such running powers, fair and reasonable traffic arrangements with connecting companies and equitable mileage rates between all such connecting railways. Provided however that the Grand Trunk Pacific Railway Company shall not be required to provide and secure such powers and rights to any one

one of the said companies unless and until such company so desiring such rights shall have first agreed in writing with the said Grand Trunk Pacific Railway Company to provide and secure to the said company such running powers, traffic arrangements and other rights over and in respect of any portions of such company's lines of railway so applying as the Lieutenant-Governor in Council for Ontario may from time to time deem fair and proper so as to afford the said Grand Trunk Pacific Railway Company reasonable and proper facilities in exercising such running powers, fair and reasonable traffic arrangements and equitable mileage rates with such company.

20. The land grant aforesaid is made subject to the condition that the said Grand Trunk Pacific Railway Company shall not amalgamate with any other company, or lease or transfer the railway or its franchises, or make pooling arrangements as to rates for freight or other charges, or adopt any method for placing such railways under the management or control, in whole or in part, of any other railway or railways in any manner whatsoever, without the sanction of the Lieutenant-Governor in Council being first had and obtained.

Company not
to amalgamate,
etc.,
without con-
sent of
Government.

21. An agreement shall be entered into between His Majesty and the Grand Trunk Pacific Railway Company embodying the provisions of sections 3 and 20 of this Act, and in and by such agreement it shall be provided that such company will make an application to the Parliament of Canada for an Act to ratify and confirm and make binding upon the company and its assigns the provisions of such agreement including the provisions of this section and of section 3, and in the event of the company, prior to the passing of such an Act of Parliament of Canada, failing to comply with the provisions of such agreement including the provisions of this section and section 3, then any portion of the said subsidies then remaining ungranted may be withheld until the company complies with such provisions and secures the passing of the said Act of the Parliament of Canada.

Agreement to
be entered
into between
company and
Crown.

22. In case the Government of Canada shall at any time take over at a valuation the line of the Grand Trunk Pacific Railway Company mentioned in section 1 of this Act, the amount of cash subsidy and the amount or value of the land grant both mentioned in section 1 of this Act and which shall have been received by the said Grand Trunk Pacific Railway Company shall be forthwith repaid by the said Grand Trunk Pacific Railway Company to the Treasurer of the Province of Ontario; and an agreement shall be entered into forthwith after the passing of this Act between His Majesty and the said Grand Trunk Pacific Railway Company embodying and providing for the carrying into execution the provisions of this section.

Subsidy and
value of land
grant to be
repaid in case
Dominion
Government
purchase rail-
way.

CHAPTER 19.

An Act respecting Aid to the Algoma Central and Hudson Bay Railway and Associated Industries at Sault Ste. Marie.

Assented to 26th April, 1904.

Preamble.

WHEREAS by an Act passed by the Legislature of the Province of Ontario in the 63rd year of the reign of Her late Majesty, Queen Victoria, and chaptered 30, and amendments thereto, aid was given by way of land grant towards the construction of the Algoma Central and Hudson Bay Railway Company (hereinafter called the Algoma Company) from the Town of Sault Ste. Marie, in the District of Algoma to the Canadian Pacific Railway, and from Michipicoten Harbour in an easterly direction to intersect the said line upon the conditions in the said Act more particularly set forth; and whereas the Algoma Company has constructed and completed eighty-six and one-half miles of its said line of railway, and has constructed sidings, switches and double tracks to the extent of twenty-six miles, making in all one hundred and twelve and one-half miles, of single track laid, and has graded one hundred and six and one-half miles additional on its main line from Sault Ste. Marie to the Canadian Pacific Railway, and has acquired and owns a large amount of rolling stock and equipment and a fleet of vessels, steamships and water craft for cargo and passengers upon navigable water with which its said railway connects; and whereas by an Act passed by the Legislature of the Province of Ontario in the first year of His Majesty's reign, chaptered 23, aid was given by way of land grants towards the construction of The Manitoulin and North Shore Railway (hereinafter called the Manitoulin Company) upon the terms and conditions in the said Act more particularly set forth; and whereas the Manitoulin Company has constructed and completed about thirteen and one-half miles of its said line of railway; and whereas the stock and bonds of the said Algoma and Manitoulin Companies and the securities upon the vessels, steamships and water craft of the Algoma Company are now held by Messrs. Speyer & Company, of the City of New York in the State of New York one of the United States of America

America, Bankers, who claim to have acquired the said shares, bonds and other securities with the securities, shares and bonds of the associated industries at Sault Ste. Marie, as security for a loan of the sum of \$5,050,000; and whereas default has been made in payment of the said loan, and Messrs. Speyer & Company have taken proceedings to realize upon and acquire title to all the said shares, bonds and securities, and have offered to sell and transfer the same upon payment to them (the said Speyer & Company) of the said sum of \$5,050,000 with interest and expenses added thereto; and whereas the work of construction of the said railways is not now being proceeded with owing to the financial embarrassment of the said railway companies, and the Province is in danger of losing the benefits contemplated when the above recited Acts were passed by the Legislature of the Province of Ontario; and whereas the Canadian Improvement Company has applied to the Government to guarantee a loan of \$2,000,000 to be made to the Canadian Improvement Company upon the security of the stocks, bonds and assets of the said railways, and in consideration therefor has offered to pay off the claim of Speyer & Company upon all the stock, bonds and assets of the said railways, and other allied industries held by them and to complete the construction and equipment of the Algoma Company to the Canadian Pacific Railway; and whereas it would greatly increase the value of the said Algoma Company to the district and to the Province, if the said railway were constructed and opened to traffic to the line of the Canadian Pacific Railway, and it is in the interest of the district and the Province to secure and expedite the construction and operation of the said railway as speedily as possible, and to continue and increase the development of the said district to the fullest extent and with the least delay, and for the purpose of securing the advantages aforesaid, it is expedient that a loan of \$2,000,000 upon the pledge of the stock, bonds and assets of the said railways should be guaranteed by the Government of the Province of Ontario upon the terms and conditions in this Act contained;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Government may aid in the completion and construction of the main line of the Algoma Central and Hudson Bay Railway Company from the Town of Sault Ste. Marie in the District of Algoma to the main line of the Canadian Pacific Railway, and in the re-organization of the allied industries operated in connection therewith at the said Town of Sault Ste. Marie, by guaranteeing the principal of a loan of \$2,000,000 payable on the 1st day of May, 1906, and interest thereon payable half-yearly at the rate of five per cent. per annum

annum which loan is to be obtained by The Canadian Improvement Company upon the pledge and deposit of the following securities, (hereinafter called the "pledged securities").

**Securities to
be pledged
for loan.**

(1) The first mortgage bonds of the Algoma Central and Hudson Bay Railway Company amounting to \$6 750,000 secured by a mortgage bearing date the first day of January, 1903, and made between the Algoma Central and Hudson Bay Railway Company, of the first part, and the Central Trust Company of New York, of the second part, upon the undertaking and all the property and assets (other than vessels and steamships), rents and revenues of the said railway company as in the said mortgage more particularly set forth ;

(2) The first mortgage bonds of the Manitoulin and North Shore Railway Company amounting to \$405,000 secured by a mortgage bearing date the first day of January, 1903, and made between the Manitoulin and North Shore Railway Company, of the first part, and the Central Trust Company of New York, of the second part, upon the undertaking, and all the property and assets, rents and revenues of the said railway company as in the said mortgage more particularly set forth ;

(3) The promissory note of the Algoma Central and Hudson Bay Railway Company for \$725,000 secured by the several mortgages upon the steamships and vessels of the Algoma Central and Hudson Bay Railway Company, made by the said Algoma Central and Hudson Bay Railway Company to the Central Trust Company of New York, for the said sum of \$725,000 ;

(4) The capital stock of The Algoma Central and Hudson Bay Railway Company amounting to \$10,000,000 issued as fully paid up and non-assessable ;

(5) The capital stock of the Manitoulin and North Shore Railway Company amounting to \$200,000 issued as fully paid up and non-assessable ;

**Deposit of
pledged
securities
with trustee.**

2. The pledged securities shall be deposited with a Trustee or Trustees approved of by the Lieutenant-Governor in Council upon the trusts set forth and declared in a deed of trust or agreement to be executed by the said Trustee or Trustees and the Canadian Improvement Company, and the form and terms of the said trust deed or agreement shall be subject to the approval of the Lieutenant-Governor in Council.

**Form of
guaranty.**

3. The form and manner of the Government guaranty shall be subject to the approval of the Lieutenant-Governor in Council and the said guaranty shall be signed by the Provincial Treasurer or such officer as may be designated by the Lieutenant-Governor in Council.

4. Before the said guaranty is delivered by the Government to the Trustee or Trustees of the said pledged securities, the Canadian Improvement Company shall enter into an agreement with the Government in such form as the Lieutenant-Governor in Council approves, providing:—

(1) For the completion of the construction and equipment of The Algoma Central and Hudson Bay Railway Company to the Canadian Pacific Railway;

(2) For the operation of the said railway for the carriage of passengers and freight;

(3) For the payment of the amount required by Messrs' Speyer & Company for the sale and transfer of all the shares, bonds and other securities acquired and held by them under or in respect of the loan made by them to the Consolidated Lake Superior Company;

(4) For satisfying and procuring releases or receipts for all other outstanding liabilities of all the said industries and works at Sault Ste. Marie including the said railways, or satisfactorily securing the same;

(5) For the organization of a company herein referred to as the "Reorganized Company" for the purpose of acquiring all the said industries and works, including the said railways, and the stocks, bonds and securities of the several companies formed for the purpose of operating the said industries and railways; and that without the consent of the Government, the capital stock of the Re-organized Company shall not exceed \$40,000,000 and the first mortgage bonds of the said company shall not exceed \$10,000,000, and the income bonds of the company shall not exceed \$3,000,000;

(6) For the conveyance and transfer to the "Reorganized Company" of all the said securities, subject only to the pledge of the pledged securities hereinbefore provided for; and for providing that save as to the said pledged securities the first mortgage bonds of the said re-organized company so to be issued shall be a first charge upon all the said shares, bonds, securities and properties so transferred.

(7) That the said "Reorganized Company" shall have not less than \$1 000,000 in cash for working capital for the operation of the said industries and the said railways, in addition to and exclusive of raw material and partially worked up material on hand.

(8) For indemnifying and saving harmless the Government in respect of the said guaranty;

(9) For the appointment or approval by the Government of three directors of the said "Reorganized Company" so long as the Government's liability continues in respect of the said loan;

(10) For the approval and ratification of the said deed of trust or agreement by The Algoma Central and Hudson Bay Railway Company, and the Manitoulin and North Shore Railway Company and the "Reorganized Company," respectively by agreements in writing in such form as the Government may approve or require.

(11) That as collateral security for the due payment of the said loan of two million (\$2,000,000) dollars and interest, and as additional security for the due performance of the covenants, stipulations and agreements on the part of the Canadian Improvement Company, in the said agreement so to be entered into between the said Company and the Government contained, the Canadian Improvement Company shall cause to be issued and deposited with the said Trustee or Trustees all the first mortgage bonds, income bonds and stock in the re-organized Company which a cash underwriter in the said Company, under the plan of re-organization would be entitled to receive who paid into the said Company in respect of such underwriting the sum of two million (\$2,000,000) dollars, and the said first mortgage bonds, income bonds and stock shall be held by the said Trustee or Trustees upon trust for the purposes aforesaid. The said trusts shall be more fully set forth and declared in the said deed of trust or agreement referred to in section 2 of this Act. The plan of re-organization referred to in this section, is the plan of re-organization adopted by the Committee of the shareholders of the Consolidated Lake Superior Company, and bearing date the 20th day of October, 1903, and a certified copy of the said plan of re-organization has been duly deposited with the Provincial Treasurer of Ontario.

(12) That upon payment of the claim of Speyer & Company, all the shares, bonds, and securities and properties held by Speyer & Company under or in respect of the loan to the Consolidated Lake Superior Company other than the pledged securities shall be transferred to the Trust Company to be held by the Trust Company and handed over by the Trust Company without further responsibility with respect thereto, to or as directed by the Improvement Company upon either (1) the request of the Government or (2) the delivery to the Trust Company of the "collateral securities" aforesaid. Pending and until such delivery, the Trust Company may deal with such securities in every respect as requested by the Government and such request shall be full protection to the Trust Company.

Condition as
to application
of Dominion
subsidy.

5. The agreement to be executed by the Algoma Central & Hudson Bay Railway Company referred to in sub-section 10 of section 4 of this Act, shall provide that all cash subsidies payable by the Government of the Dominion of Canada to the said Railway Company, whether already earned or to be earned, shall be applied by the said Railway Company towards

towards the completion of the construction of the said railway to the main line of the Canadian Pacific Railway.

6. The agreement to be executed by the re-organized company referred to in subsection (10) of section 4 of this Act shall contain a provision that, in the operation of the steel plant at Sault Ste. Marie, Ontario, Ontario Bessemer's iron ore shall be used, if the same is procurable in Ontario of suitable quality and upon terms as favorable as can be obtained elsewhere, of which the Government of this Province shall be the judge.

Condition as
to use of
Ontario
Bessemer iron
ore/steel plant.

7. Before the said guaranty is delivered the Canadian Improvement Company shall satisfy the Government :—

Government
to be satisfied
of payment of
certain claims
and provision
of capital

(1) That all moneys necessary to pay the amount justly due and payable in respect of all claims referred to in sub-sections (3) and (4) of section 4 of this Act have been duly provided or that the amounts of said claims have been otherwise satisfactorily secured.

(2) That the amount necessary to provide the reorganized Company with \$1,000,000 cash working capital as required by sub-section 7 of section 4 has been duly provided.

(3) That the moneys and securities so provided shall be duly applied for the purposes mentioned and set forth in the said sub-sections (3), (4) and (7) of section 4.

8. Upon the said pledged securities being so deposited with the said Trustee or Trustees under the said deed of trust or agreement, and upon the said Government guaranty being so signed and delivered to the Trustee or Trustees of the said pledged securities, the Government of the Province of Ontario shall become liable as guarantors for the payment of the principal and interest of the said loan according to the terms of such guaranty, and the payment thereof shall form a charge upon the Consolidated Revenue Fund of the Province, and no person, company or corporation interested as participants in the said loan or advancing money upon the said guarantee need enquire with respect to compliance with the terms of this Act.

When guar-
anty to take
effect.

9. The Government guaranty, the said deed of trust or agreement, and the agreement between the Canadian Improvement Company and the Government may be contained in one document.

Act may be
carried out
by one
instrument.

10. The words "The Government" where they occur in this Act shall mean His Majesty the King, represented by the Lieutenant-Governor

"The Govern-
ment,"
meaning of.
Lieutenant-Governor

Lieutenant-Governor of Ontario, acting upon the advice of the Executive Council of Ontario.

Approval of
agreement.

11. The provisions of the Agreement bearing date the 24th day of March, 1904, and made between His Majesty the King as represented by the Honourable George William Ross, Premier of the Province of Ontario and Provincial Treasurer, of the first part, the Morton Trust Company of the second part, and the Canadian Improvement Company of the third part are hereby approved.

CHAPTER 20.

An Act respecting certain aid towards the construction of the James Bay Railway.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council is hereby authorized, on such terms and conditions, not inconsistent with the provisions of this Act, as may be agreed upon with the James Bay Railway Company (hereinafter called "the company") to guarantee the principal and interest of the bonds, debentures and other securities of the company to an amount not exceeding \$20,000 or its equivalent in sterling or other money per mile of the company's railway from its terminus in the City of Toronto to or near the Town of Sudbury, in the District of Nipissing, payable at a date to be fixed by the Lieutenant-Governor in Council, not exceeding thirty years from the date of issue, bearing interest at the rate of $3\frac{1}{2}$ per cent per annum payable half-yearly, and secured by first mortgage upon the line of railway so aided.
Government authorized to guarantee bonds of James Bay Ry. Co.
2. The said mortgage, and the securities issued thereunder, shall be a first charge upon the line of railway so aided, and upon the right of way, station grounds and other real estate and interest therein, buildings and other structures and improvements, rolling stock and equipment, plant, machinery, tools, supplies, materials and other personal properties, present and future, required for the purposes of the said line of railway, or in connection with the operation, maintenance or repair thereof, and upon the tolls, incomes and revenues of the Company arising and to arise from the said line of railway, and the rights, privileges, franchises and powers of the Company now or hereafter held in respect thereof.
Property subject to charge for securities guaranteed.
3. The kind of securities to be guaranteed, the forms and terms thereof, the form and terms of the mortgage securing them, and the trustees of such mortgage, the time and manner of

of the issue of the securities, and the form and manner of the guaranty shall be such as the Lieutenant-Governor in Council may approve.

**Execution
and effect of
guaranty.**

4. The said guaranty shall be signed by the Provincial Treasurer, or such other officer as may be designated by the Lieutenant-Governor in Council, and upon being so signed the Province of Ontario shall become liable for payment of the principal and interest of the securities so guaranteed according to the tenor thereof, and the same shall form a charge upon the Consolidated Revenue Fund of the Province ; and no purchaser, pledgee, or other person acquiring any of such securities need inquire with respect to the compliance with the terms of this Act ; and in case any need should ever arise for payment by the Province under any such guaranty, the Lieutenant-Governor in Council may make arrangements for payment accordingly.

**Securities,
how issued,
application of
proceeds.**

5. The securities hereby guaranteed shall be so issued and offered for subscription that the proceeds thereof shall be paid directly by the subscriber into a bank or banks approved by the Lieutenant-Governor in Council to a special account in the name of the Treasurer of the Province and shall be paid to the Company in monthly payments on the warrant of the Provincial Treasurer in such amounts as may from time to time be certified by an Engineer appointed by the Lieutenant-Governor in Council, due regard being had to the work done and materials or equipment provided and that remaining to be done or provided. Pending completion and equipment of the said line, the balance to the credit of the said special account shall, until paid to the Company as herein provided, be deemed part of the mortgaged premises, and shall not be taken to be public monies received by the Province of Ontario. Upon completion and equipment of the said line of railway, all balances to the credit of such account, including interest credits thereon, shall be paid over to the Company or its nominees.

**Payments
under guar-
anty not to
release
company.**

6. Any payment by the Province of principal or interest on the said securities, pursuant to the guarantee thereof, shall not, in any event, be taken to affect the liability of the Company therefor, under the securities so paid or under the mortgage securing the payment thereof, but such liability shall remain unimpaired, and enforceable by the Province against the Company ; the Province shall be subrogated, as against the Company to all the rights, privileges, and powers to which the holders of the respective securities so paid were entitled by virtue of such securities, or of the said mortgage, prior to payment by the Province under its guarantee, and shall, with respect to the securities so paid, be in the same position as a holder of securities upon which the Company has made default.

7. The granting of the aid hereby authorized, shall be subject to the following express terms and conditions to be inserted in an agreement to be executed by the Company before the execution of the mortgage or said guaranty :—

(1) The location of the said line of railway and the approximate route and course thereof, and the plans and specifications therefor shall be subject to the approval of the Lieutenant-Governor in Council.

(2) The work of constructing the said line of railway shall be commenced within one year after the ratification of this agreement by the Legislature of the Province of Ontario, and shall proceed with the utmost despatch, and shall be completed within four years from the first day of January, A.D. 1904, unless prevented by the act of God, the King's enemies, internal disturbances, epidemics, floods or other causes beyond the control of the Company. If for any of the causes aforesaid the work of construction is delayed, the Company may make application to the Lieutenant-Governor in Council for an extension of time, and the Lieutenant-Governor in Council shall grant such extension for the period of such delay.

(3) The Company shall lay out, construct and equip the said railway to a standard not inferior to that of the Ontario division of the Canadian Northern Railway, the rails shall be of steel and not less than 80 pounds.

(4) The Company shall, during the construction of such line of railway, furnish such information as to the location and plans of passenger and freight stations on the said line of railway as may from time to time be required by the Lieutenant-Governor in Council, and shall comply with such directions as may be given for the erection of stations and the number of the same.

(5) The Company shall not employ in the construction of the said road any persons who are subjects of any country which has an alien labour law, the effect of which is to practically exclude Canadians from employment upon public works in such country, or on other works therein.

(6) The Company shall, before being entitled to payment of the balance payable under the provisions of section 5 of this Act upon the completion of the construction and equipment of said line, furnish evidence satisfactory to the Government that all just claims of contractors and for materials, wages and supplies, and all just claims against contractors, and subcontractors for materials, wages and supplies entered into and supplied in the construction of the railway, have been duly paid.

(7) All the provisions of *The Act to secure payment of wages for labour performed in the construction of Public Works* being Chapter 155 of the Revised Statutes of Ontario, 1897, shall apply to the Company, and to the line of

*Location of
line to be
approved.*

*Commence-
ment and
completion of
line.*

*Standard of
equipment.*

*Information
to be fur-
nished to
Government.*

*Employment
of aliens.*

*Claims of
contractors,
etc., to be
satisfied.*

*Claims for
wages.*

of railway so aided; and the wages paid in connection with the construction of any part of the said line shall be such as are generally accepted as current for competent workmen in the respective districts where such work is being carried on.

Protection of timber from fire.

(8) The Company shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection of the woods and forests adjoining the line of railway.

Use of materials manufactured in Canada.

(9) The Company shall construct, equip and operate the said line of railway with railway supplies, structural iron, steel, rails, fastenings, cement and rolling stock, of Canadian manufacture, if they are procurable in Canada, of suitable quality upon terms as favourable as can be obtained elsewhere, and in proper time, of which the Lieutenant Governor in Council shall be the judge.

Rates to settlers.

(10) To bona fide settlers and to persons seeking land for settlement who are duly certified as such by the Director of Colonization for Ontario, or by such other officer of the Immigration or Colonization Department of the Province as may be designated by the Lieutenant-Governor in Council, the rates to be charged by the Company shall be one cent per mile for transportation between points on the Company's railway; and with respect to household and personal effects, farm implements and live stock belonging to such settler or land seeker, the rates shall be one-half the rates fixed in the standard freight tariff of the Company. The rates so charged to settlers shall be for carriage one way only, while actually proceeding to the place of settlement, but shall apply to all bona fide members of the immediate family of such settler; and the rates so charged to land seekers shall be for carriage in each direction prior to location or settlement. The Lieutenant-Governor in Council may approve of rules or regulations, not inconsistent herewith, giving effect to and defining the terms and provisions hereof.

Running powers and haulage rates to other companies.

(11) For the purpose of providing the commercial and industrial centres and more settled portions of the Province of Ontario with increased transportation facilities to Western Canada, and giving such centres direct access to the territories served by the Canadian Northern Railway, it is hereby declared that the Lieutenant-Governor in Council shall be entitled to grant running powers and haulage rights over the said railway hereby aided sufficient to enable any Railway Company desiring to use the same to do so, upon such terms as to reciprocal running powers and rights or otherwise as may be agreed upon between the Companies, or in case of their failure to agree, then upon such terms as may be deemed reasonable and just by the Lieutenant-Governor in Council.

Amalgamation with other lines.

(12) The Company shall not amalgamate with any other Company, or lease or transfer the railway or its franchises, or

or make pooling arrangements as to rates for freight or other charges, or adopt any method for placing such railways under the management or control, in whole or in part, of any other railway or railways in any manner whatsoever, without the sanction of the Lieutenant-Governor in Council first had and obtained; provided, however, that the provisions of this sub-section shall not apply to the Canadian Northern Railway Company or to running rights or traffic facilities granted under sub-section 11 of this section.

(13) The Government of the Province of Ontario shall be entitled to a lien upon the cash subsidy and land grant granted to the Company under the provisions of subsection 2 of section 1 and section 3 of the Act passed in the 62nd year of the reign of Her late Majesty, Queen Victoria, chapter 23, intituled *An Act respecting Aid to Certain Railways*, as security for the completion of the construction and equipment of the line hereby aided, and as indemnity to the Government of the Province of Ontario against all payments (if any) which the said Government may be called upon to make under or by virtue of the guaranty hereby authorized, notwithstanding that the said cash subsidy and land grant may be earned by the said Company.

(14) The agreement authorized by this section shall be in such form and contain such other terms and conditions not inconsistent with the provisions of this Act as the Lieutenant-Governor in Council may approve.

8. So much of the subsidies granted to the Company by the Statutes of 1898, chapter 22, section 1, paragraph 5, and by the Statutes of 1902, chapter 25, section 1, paragraph 5, as relate to the ninety miles of the Company's line of railway from a point at or near the Town of Parry Sound to a point at or near Sudbury, are hereby cancelled and revoked.

CHAPTER 21.

An Act amending The Act respecting Aid by Land Grant to the Thunder Bay, Nepigon and St. Joe Railway Company.

Assented to 26th April, 1904

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

¹ Edw. VII.,
c. 24, s. 1
amended.
Lands to be
granted in
Thunder Bay.

1. Section 1 of Chapter 24 of the Acts passed in the 1st year of His Majesty's reign is amended by striking out the word "Algoma" in the second line thereof, and substituting therefor the words "Thunder Bay."

¹ Edw. VII.,
c. 24, s. 3
amended.

Limitation as
to selection of
lands.

2. Section 3 of the said Act is amended by striking out the word "eighteen" in the third line thereof, and substituting therefor the word "twenty-four," and by adding at the end of the said section, the following words: "But none of the said lands shall be selected and set apart on the east side of the Company's railway south of Lake Nepigon."

¹ Edw. VII.,
c. 24, s. 9
amended.

1 Edw. VII.,
c. 24, s. 9
subs. 1,
amended.
Time for com-
mencement
and comple-
tion.

¹ Edw. VII.,
c. 24, s. 9,
subs. 3,
amended.
Settlement
conditions.

3.—(1) Section 9 of the said Act is amended by striking out the figure "6" in the fourth line thereof, and substituting the figure "5" therefor;

(2) Sub-section 1 of section 9 of the said Act as amended by section 62 of Chapter 7 of the Acts passed in the 3rd year of His Majesty's reign is amended by substituting for the figures "1905" in the third line thereof, the figures "1906."

(3) Sub-section 3 of section 9 of the said Act Chapter 24 is amended by striking out the words "passing of this Act" in the second line thereof, and substituting therefor the words "first day of April, 1904."

³ Edw. VII.,
c. 7, s. 62
amended.

4. Section 62 of the said Act passed in the 3rd year of His Majesty's reign, Chapter 7, is amended by inserting after the word "thereof" in the sixth line the words "not exceeding 35 miles."

5. Section 10 of the Act passed in the first year of His ^{1 Edw. VII.,}
Majesty's reign, Chapter 24, is amended by adding thereto ^{c. 24, s. 10.}
the following sub-sections as sub-sections 2 and 3 thereof:—

(2) In the event of a Railway Company commencing the construction of the said railway on or before the first day of August, A.D. 1904, and proceeding with the construction with what, in the opinion of the Commissioner of Public Works for the Province of Ontario, is regarded as due and proper diligence, then upon the application of the Railway Company and upon the completion of any section of the said railway of not less than ten miles in length, and upon the Railway Company furnishing satisfactory evidence that the number of settlers or proportion thereof applicable to the said section, required by the said Act for the period prior to such application, have been placed upon the said lands mentioned and set forth in this Act, the Lieutenant-Governor in Council, as to the lands set apart for each such section, will waive the right of forfeiture above referred to and shall declare that the lands which may have been granted for each of such sections shall be vested in the Railway Company in fee simple freed from the terms and conditions of section 9 of this Act.

(3) Upon the completion of any section of the said railway of not less than ten miles in length, the Lieutenant-Governor in Council upon the application of the Railway Company, and upon the Railway Company furnishing such security for compliance with the conditions mentioned and set forth in section 9 of this Act as may be approved by the Lieutenant-Governor in Council, may declare that the lands or any portion thereof which may be granted to the Railway Company under the provisions of this Act, shall be freed from all the conditions mentioned and set forth in section 9 of this Act, and the said lands shall upon being granted to the Railway Company, be vested in the Railway Company in fee simple freed from all the said conditions mentioned and set forth in the said Act.

6. Section 62 of the Act passed in the third year of His ^{3 Edw. VII.,}
Majesty's reign, Chapter 7, is amended by inserting after the ^{c. 7, s. 62,}
words "in the said Acts" in the eleventh line thereof, the
words "and any amendments which may be made thereto."

CHAPTER 22.

The Municipal Amendment Act, 1904.

Assented to 26th April, 1904

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

<sup>3 Edw. VII.,
c. 19, s. 24,
amended.</sup>

1. Section 24 of *The Consolidated Municipal Act*, 1903, is amended by adding thereto the following proviso:—

Provided that any proclamation issued hereunder may at any time where the Council of such city or town and any other parties interested agree that the said proclamation does not correctly set forth the terms and conditions as to taxation, assessment, improvements, or otherwise agreed upon, be amended to carry out such agreement.

<sup>3 Edw. VII.,
c. 19, s. 68,
amended.</sup>

Re-arrange-
ment of county
council divi-
sions on
annexation of
territory to
city or separ-
ated town.

2. Section 68 of *The Consolidated Municipal Act*, 1903, is amended by adding thereto the following sub-section.

(2) Where an incorporated village or a portion of a township has been since the report of the said commissioners referred to in section 67 annexed to a city or to a town separated from the county, the council of the county, in which the territory comprised within such village or township is situate may by resolution require the Board provided for in this section to consider what re-arrangement should be made in the county council divisions; and the Board may by their order constitute the remaining portion of the county council division in which such territory was situate a separate county council division or may make such re-arrangement of the county council divisions as they may deem necessary, but only in so far as the altered circumstances may require.

<sup>3 Edw. VII.,
c. 19, s. 68a,
subsecs. 1, 2,
repealed.</sup>

3. Sub-sections 1 and 2 of section 68a of *The Consolidated Municipal Act*, 1903, are repealed and the following substituted therefor:—

Submitting
by-law for
constituting
council of
reeves and
mayors.

(1) In case the councils of a majority of the local municipalities within a county by resolution to be passed and filed with the county clerk on or before the first day of October in any year preceding a year in which a general election of county

county councillors would take place under this Act, shall so require, the county council shall submit to the vote of the municipal electors of such county a by-law declaring that thereafter the council of such county shall be composed of the reeves of townships and villages and the mayors of towns not separated from the county instead of representatives of the county council divisions constituted under this Act.

- (a) The persons qualified to vote on such by-law shall be the persons qualified to vote at municipal elections in such local municipality.
- (b) The by-law shall be submitted to the electors at the time fixed by law for holding a poll at the election of the council of each local municipality for the year next preceding the year in which polling for a general election of county councillors would take place under this Act.

(2) In case such by-law receives the assent of a majority of the electors voting thereon the county clerk shall certify the facts to the county council and shall within six weeks after the polling publish a notice declaring the number of votes given by the electors for and against the by-law in each of the local municipalities in the county.

- (a) The notice shall be inserted in a newspaper published in the county town and in one other newspaper published in the county.
- (b) After the publication of such notice it shall not be necessary to hold an election of county councillors in such county or to appoint nominating officers therefor, but the county council for the following year, and thereafter shall be composed of the reeves of all townships and villages in the county and the mayors of all towns not separated from the county for municipal purposes and the following subsections of this section shall apply to such county.

4. Sub-section (3a) of section 129 of *The Consolidated Municipal Act*, 1903, is amended by striking out the words "having a population of more than 30,000" in the first line of the said sub-section, and inserting in lieu thereof the words "towns and incorporated villages," and by inserting after the word "candidate" in the second line the words "for the office of mayor, reeve, controller, alderman, councillor, water commissioner and street railway commissioner," as the case may be, and by striking out the words "five o'clock in the afternoon" in the fourth and fifth lines and inserting in lieu thereof the words "twelve o'clock noon."

5. Section 276b of *The Consolidated Municipal Act*, 1903, is amended by adding thereto the following sub-section :—

(6a).

Notice of result of voting.

<sup>3 Edw. VII.,
c. 19, s. 129
subs. 3(a)
amended.</sup>

Candidates to file declaration of qualification.

3 Edw. VII.,
c. 19, s. 276b
amended.

Number of
votes where
less than four
controllers to
be elected.

3 Edw. VII.,
c. 19, amended

Granting
right to main-
tain waste
paper boxes on
streets.

(6a) Where on any such election less than four controllers are to be elected the foregoing direction shall be changed so as to give to each voter the right to vote only for as many candidates as are to be elected, or to give as many votes to one or more as there are candidates to be elected. If only one candidate is to be elected, than each voter shall have only one vote.

6. *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following section :—

332a. The council of any city may grant to any person or company the exclusive right to place and maintain for a period not exceeding ten years iron waste paper boxes on the street corners or elsewhere throughout the city under and, subject to the direction of the city engineer and the approval of the city council, the location thereof to be subject to change from time to time at the expense of the grantee, such boxes to be kept clean by him and painted as often as required by the city engineer, and the collections therein to be removed at his expense regularly to the satisfaction of the city engineer and as often as he may from time to time direct.

3 Edw. VII.,
c. 19, s. 337a.
amended.

Certificate as
to due applica-
tion for
by-law.

3 Edw. VII.,
c. 19, s. 338,
amended.

Notice of
polling etc., on
by-law to be
voted on at
municipal
election.

7. Section 337a of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "clerk" in the fourth line the words "or assessment commissioner."

8. Section 338a of *The Consolidated Municipal Act, 1903*, is amended by adding the following paragraph :—

4. Where the proposed by-law is being submitted to the electors on the same day as the annual election for the municipal council is being held it shall be sufficient to state with respect to the hour, day and place or places of polling, that the polls will be held at the same hour, on the same day, at the same place or places and by the same deputy returning officers as for the said municipal election.

3 Edw. VII.,
c. 19, s. 384,
subs. 4,
amended.
Term of de-
bentures for
school houses.

3 Edw. VII.,
c. 19, s. 384,
amended.

Issuing deben-
tures after
expiry of two
years when
proceedings
have been
taken to
attack by-law.

9. Sub-section 4 of section 384 of *The Consolidated Municipal Act, 1903*, is amended by inserting therein after the word "houses" in the fourth line of the said sub-section the words "or high school houses."

10. Section 384 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following sub-section :—

(11) In the event of an action or proceeding being instituted to set aside the by-law or question its validity or to enforce the payment of any bonus or the issue of debentures thereunder, the debentures by the by-law directed to be issued may be issued and dated within six months after the final determination of such action or proceeding notwithstanding that two years may have elapsed after the passing of the by-law; and the annual rate directed to be levied by subsection 5 of section 384 and sub-section 2 of section 386 may begin from

from the date when the debentures are issued notwithstanding that the by-law may have fixed a different date. This sub-section shall apply to by-laws passed after the 15th day of April, 1901.

11. *The Consolidated Municipal Act, 1903, is amended* ^{3 Edw. VII., c. 19, amended.} by adding thereto the following section :—

388 b. Where owing to an advance in the rate of interest for money between the time of the passing of any by-law heretofore or hereafter passed creating a debt and the sale or other like disposal of the debentures authorized thereby, it is made apparent to the Lieutenant-Governor in Council that the debentures cannot be sold or disposed of except at a discount involving a substantial reduction in the amount required to be provided for, the Municipal Council may pass a by-law, without submitting the same to the consent of the electors, but subject to the approval thereof by the Lieutenant-Governor in Council, to amend the by-law first herein mentioned for the purpose of providing for the payment of an increased rate of interest on the debenture debt, and for levying amounts or rates necessary to pay such increased rate of interest in lieu of the rate of interest and the amounts or rates to pay the same provided for in the original by-law; and thereupon the debentures bearing such increased rate of interest shall be as valid and binding on the municipality and the ratepayers thereof as if the original by-law had provided for such increased rate of interest and the levying of the amounts or rates necessary to pay the same.

12. Sub-section 2 of section 402 of *The Consolidated Municipal Act 1903*, is amended by inserting after the word "municipality" in the 4th line the words "prior to the 27th day of June, 1903."

13. Where by any by-law passed by a municipal council under the provisions of section 411 of *The Municipal Act*, being chapter 223 of the Revised Statutes of Ontario, 1897, prior to the repeal of the said section, the amount of the assessment of any manufacturing establishment or any building for the storage of ice for commercial purposes or any water works or water company was fixed at a stated amount for a term of years unexpired at the time of the passing of this Act and such by-law has been acted upon, and no proceedings have been taken to set aside or quash the same within two years after the passing thereof, such by-law shall be and shall be deemed to have been valid and binding and the assessment so fixed shall be the assessment upon which taxes shall be levied during the unexpired portion of such term of years for municipal or school purposes or both according to the tenor of such by law.

14. *The Consolidated Municipal Act, 1903, is amended by inserting therein the following section :—*

When by-law
for issue of
debentures
may be
amended by
increasing the
rate of
interest.

^{3 Edw. VII., c. 19, s. 402, subs. 2, amended.}

Limit of
annual rates.

Certain by-laws
for fixing
assessments
validated.

<sup>3 Edw. VII., c. 19,
amended.</sup>

Borrowing by hypothecation of debentures.

Proviso.

Loans heretofore made validated.

³ Edw. VII.,
c. 19, s. 435,
(2) amended.

Borrowing for current expenditure pending collection of taxes.

³ Edw. VII.,
c. 19, s. 448,
amended.

³ Edw. VII.,
c. 19, s. 537,
amended.

Members not to vote on by-laws appointing them.

³ Edw. VII.,
c. 19, s. 541 (3)
amended.

434a.—(1) The council of any municipality pending the sale of any debentures issued under a by-law, or in lieu of selling and disposing of the same may by resolution or by-law authorize the head or acting head and treasurer of the municipality to raise money by way of loan on such debentures and to hypothecate the same for any such loan. Provided that the proceeds of every such loan shall be applied to the purposes for which such debentures were issued and should such debentures be subsequently sold and disposed of the proceeds thereof shall first be applied in repayment of such loan, but the lender shall not be bound to see to the application of the proceeds of any such loan.

(2) Every resolution or by-law heretofore passed by the council of any municipality for the purposes mentioned in subsection 1 of this section and every debt so incurred are declared to be and to have been legal, valid and binding upon the municipality and the ratepayers thereof.

15. Sub-section 2 of section 435^c of *The Consolidated Municipal Act*, 1903, is amended by striking out the words "eighty per cent. of the amount collected as taxes to pay the ordinary current expenditure of the municipality in the preceding municipal year" in the 3rd, 4th and 5th lines and substituting therefor the words "ninety per cent. of the estimates for the current year."

16.—(1) Sub-section 1 of section 448 of *The Consolidated Municipal Act*, 1903, is amended by striking out the word "or" before the word "town" in the fifth line, and by inserting after the said word "town" the words "township, incorporated village, county or union of counties."

(2) The amendment made by sub-section 1 of this section shall apply to all arbitration proceedings hereafter commenced, although the claim which is the subject of the arbitration may have arisen before the passing of this Act.

17. Section 537 of *The Consolidated Municipal Act*, 1903, is amended by adding at the end thereof the following words: "Provided that no member of a municipal council shall vote on any by-law or resolution to appoint himself to any office in the gift of the council, nor shall any member of a municipal council vote on any resolution or by-law to fix or provide any remuneration for any services he may have rendered to the corporation; but this shall not apply to allowances for attendance at meetings of the council or committees thereof."

18. Sub-section 3 of section 541 of *The Consolidated Municipal Act*, 1903, is amended by inserting after the word "obstruction" in the first line the words "by persons or things

things and by adding to clause (*a*) of the said sub-section the words "or of any persons who may be standing, sitting or otherwise occupying the same except for passage to and for therein."

19. *The Consolidated Municipal Act, 1903*, is amended by ^{3 Edw. VII., c. 19,} inserting therein the following as section 541a :— ^{amended.}

541a. The councils of cities and towns are authorized and empowered by a vote of two-thirds of the whole council to pass and enforce such by-laws as they may deem expedient ; ^{Cities and towns authorized to pass by-laws to regulate location of laundries, butcher shops, etc.}

- (*a*) To regulate and limit the distance from the line of the street in front thereof at which buildings on residential streets may be built; such distance may be varied upon different streets or in different parts of the same street.
- (*b*) And in the case of cities only, to prevent, regulate and control the location, erection and use of buildings for laundries, butcher shops, stores and manufactories.

The location, erection, construction or use of any buildings in contravention of any such by-law may, in addition to any other remedy provided by law, be restrained by action at the instance of the municipality passing such by-law;

Provided that this section shall not apply to any buildings now erected or used for any of the purposes aforesaid so long as they continue to be used as at present.

20. The corporation or any ratepayer may by suit or motion or both apply to the High Court of Justice to restrain the breach by anyone of any by-law passed by any municipal council under clauses (*a*), (*b*), (*c*) and (*d*) of paragraph numbered 1 in section 542 of *The Consolidated Municipal Act, 1903*, or any amendment thereof; and such Court shall thereupon restrain any threatened breach thus complained of or committed but not fully executed, and may in the said proceeding or in an action brought by any ratepayer for the purpose direct the pulling down or removal at the expense of the owner thereof of any building or erection which may have been constructed, repaired or placed in contravention of any such by-law. ^{Injunction to restrain breach of by-law as to fire limits under 3 Edw. VII., c. 19, s. 542, par. 1.}

21. Sub-section 2 of section 555 of the said Act is amended by inserting after the word "made" in the 8th line the words "and shall also determine the location of the sewage farm, filtering plant or other place at which any artificial means of sewage disposal may be provided." ^{3 Edw. VII., c. 19, s. 555, subs. 2, amended.}

22. Section 570 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "every" in the first line the word "county". ^{3 Edw. VII., c. 19, s. 570, amended. County telephone system.}

3 Edw. VII.,
c. 19, s. 574,
par. 4,
amended.
Trimming
trees.

3 Edw. VII.,
c. 19, s. 583,
par. 16,
amended.

Arrest with-
out warrant
for non-pro-
duction of
pedlar's
license.

3 Edw. VII.,
c. 19, s. 588,
amended.

Aid to
erection, etc.,
of hospitals.

3 Edw. VII.,
c. 19, s. 591a
amended.

Closing up
streets and
conveying to
manufacturers.

23. The paragraph numbered 4 of section 574 of *The Consolidated Municipal Act*, 1903, is amended by striking out the words "in case there is no board of park management" in the third and fourth lines of the said sub-section.

24. The paragraph numbered 16 of section 583 of *The Consolidated Municipal Act*, 1903, is amended by adding at the end thereof the following :—"In case a constable or other police officer demands the production of a license by any person to whom the by-law passed under this paragraph or paragraph 14 of this section applies and such demand is not complied with, it shall be the duty of such constable or other police officer and he shall have power to arrest such person without a warrant and, upon his failure to produce a license, to take him before the nearest Justice of the Peace there to be dealt with according to the by-law."

25. Section 588 of *The Consolidated Municipal Act*, 1903, is amended by inserting therein the following paragraph :—

Aid to Establishment of Hospitals, etc.

2a. For granting aid to any incorporated society or any association of individuals for the erection, establishment and equipment of public hospitals for the treatment of persons suffering from disease or from injuries caused by accident or violence.

26. Section 591a of *The Consolidated Municipal Act*, 1903, is amended by adding at the end thereof the following :—

Notwithstanding anything contained in this section or in section 591 of this Act the council of any municipality may pass by-laws for closing up any road, street, alley, lane or other public communication or any portion thereof and for conveying the same to any person for the particular use or benefit of a manufacturing industry, and it shall not be necessary to submit such by-law to the electors or to obtain their assent thereto where the passing of such by-law does not involve expense to the municipality ; provided that the council passing such by-law shall comply with the general provisions of this Act as to notice, compensation to persons affected and other matters with respect to by-laws for the closing up of any public road or highway. And provided further that any person injured by reason of the closing up of such road, street, alley, lane or other public communication or any portion thereof shall be entitled to such compensation from the municipal corporation as may be agreed upon, or in case of disagreement may be determined by arbitration in the manner provided by this Act, and the amount of the compensation so agreed upon or awarded and the costs of arbitration proceedings shall

shall be paid by the owner of the manufacturing industry for whose use or benefit the by-law was passed.

27.—(1) Sub-section 3 of section 617 of *The Consolidated Municipal Act*, 1903, is amended by adding at the end thereof the following words:—“or of such width less than 80 feet as may be specified in such by-law.”

(2) Sub-section 4 of the said section 617 is amended by striking out the words “of a less width than 80 feet” in the fifth line thereof and by adding at the end thereof the words “of a less width than 80 feet or such other reduced number of feet specified in the by-law as the case may be.”

28. Section 654 of *The Consolidated Municipal Act*, 1903, is amended by inserting after the word “thereof” in the fifth line the words “or of making a deviation where in the opinion of any of the said councils it is impracticable to construct a road along the said county boundary line.”

29. Section 656 of *The Consolidated Municipal Act*, 1903, is amended by inserting after the word “both” in the fourth line the words “whether by way of deviation or otherwise.”

30.—(1) Sub-section 1 of section 657 of *The Consolidated Municipal Act*, 1903, is amended by inserting after the word “township” in the first line the words “in that part of the Province lying south of the French river, Lake Nipissing and the River Mattawan.”

(2) The said section is further amended by adding thereto the following sub-sections:—

(4) In the remaining portions of the Province the mines, minerals and mining rights in, on or under all common and public highways and road allowances shall be and are hereby vested in His Majesty, His Heirs and Successors, and may be sold, leased or otherwise disposed of under *The Mines Act*. Where any mining location or mining lands adjoin a common and public highway or road allowance, and the mineral vein or deposit thereon extends into or under the said highway or road allowance, the owner or owners thereof shall have the right to purchase or lease the mines, minerals and mining rights in, on or under the same, subject to the provisions of *The Mines Act*; or where there are mining locations or mining lands on both sides of such highway or road allowance the said rights shall accrue to the owner or owners on both sides thereof as respects the half of the said highway or road allowance adjoining his or their lands. This subsection shall not apply to highways

Sale or lease of
minerals on or
under roads.

Rev. Stat.,
c. 36.

Rev. Stat.,
c. 36.

ways on lands heretofore granted by the Crown under *The Mines Act*, or in the grant whereof the mines and minerals were not reserved to the Crown.

(5) The patent or lease of such mines, minerals and mining rights shall contain a proviso protecting the road for public travel and preventing any uses of the granted rights which would interfere with public travel unless and until a road in lieu thereof has been provided and accepted by the municipality or municipalities having control of the said road.

When section
to take effect.

(3) This section shall come into effect on and after 1st May, 1904, and shall in no wise affect any rights acquired from or any agreement made or entered into with any municipality under the section hereby amended prior to the said date.

3 Edw. VII.,
c. 19, s. 666,
subs. 1,
amended.

31. Sub-section 1 of section 666 of *The Consolidated Municipal Act*, 1903, is amended by inserting after the word "thereafter" in the fourth line the words "during the estimated lifetime of such work or improvement but no longer;" and the said subsection is further amended by adding at the end thereof the words

Proviso.

"Provided however that nothing in this subsection contained shall diminish or affect the responsibility of any municipal corporation for damages sustained by any person by reason of neglect to keep any public road, street, bridge or highway in repair as provided by section 606 and following sections of this Act."

3 Edw. VII.,
c. 19, s. 694.

32. Section 694 of *The Consolidated Municipal Act*, 1903, is amended by adding thereto the following paragraph:

Railway
bonuses, con-
struction of
line by another
company.

7. Where a bonus has been or shall be granted by a municipality to a railway company to aid in the construction of a railway, the company shall be entitled to such bonus on performance of the conditions, if any, attached to the grant of such bonus whether the railway is constructed by the company itself or by another company, by its procurement or with its consent.

3 Edw. VII.,
c. 19, s. 696,
sub. s. 2,
amended.

33. Sub-section 1 of section 696 of *The Consolidated Municipal Act*, 1903, is amended by inserting after the words "by way of loan to such railway" in the sixth line thereof the following words "or by way of payment for shares of stock in such railway."

3 Edw. VII.,
c. 19, s. 700
amended.

34. Section 700 of *The Consolidated Municipal Act*, 1903, is amended by adding in the third line thereof after the words "smelting works" the words "or a beet sugar factory."

35. Sub-section 1 of section 744 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "debentures" in the second line the words

"for the construction of sidewalks of cement, concrete, brick or other permanent material."

<sup>3 Edw. VII, c. 19, s. 744, subs. 1 amended.
Sidewalks in police villages.</sup>

36 Sub-section 1 of section 758 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "57th year of the reign of Her late Majesty Queen Victoria" in the 8th line of the said section and inserting in lieu thereof the words "62nd year of the reign of Her late Majesty Queen Victoria" and the said section shall be read as if originally enacted as hereby amended.

37. No person shall be or shall be deemed to have been disqualified from being elected a member of the council of any municipal corporation or from sitting and voting in such council by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which from time to time official advertisements are inserted by the council which appear in other newspapers or publications in the municipality, or which is subscribed for by the council or by any of the departments or offices of the municipality, although such advertisements or subscriptions are paid for at the usual rate out of the moneys of the municipal corporation, but this shall not apply to any person who has entered into an agreement or contract with a municipal corporation to do at a specified rate all or the greater part of the printing required by such corporation during the term of such agreement or contract, and no such member of council shall vote where his own account is in question.

Newspaper proprietors not disqualified from sitting in councils by insertion of advertisements, etc.

38. It is declared that sections 219 to 244a, inclusive, of *The Consolidated Municipal Act, 1903*, apply and have always applied to any person elected or claiming to have been elected as Controller in any city in which Controllers are or may hereafter be elected, in the same manner and to the same extent as if the office of Controller had been mentioned expressly in the said sections with the offices of Mayor, Warden, Reeve, Alderman, County Councillor, and all proceedings heretofore had or taken to contest the validity of the election of any person as Controller shall be deemed to have been duly taken and may be proceeded with after the passing of this Act, notwithstanding any judgment or order by way of prohibition heretofore rendered or made upon the ground that the said sections were not applicable to the office of Controller.

Sections of 3 Edw. VII, c. 19, relating to contested elections to apply to controllers.

CHAPTER 23.

An Act respecting Municipal Taxation.

Assented to 26th April, 1904.

PRELIMINARY:

Short title, s. 1.

Interpretation, s. 2.

PROPERTY LIABLE, ss. 3, 4.

EXEMPTIONS FROM TAXATION, ss. 5-9.

BUSINESS ASSESSMENT, s. 10.

INCOME TAX, ss. 11-13.

TELEGRAPH AND TELEPHONE COMPANIES, ss. 14, 15.

ASSESSMENT RETURNS, ss. 16-21.

DUTIES OF ASSESSORS.

Assessment rolls, ss. 22-28.

School census, ss. 29-30.

Information from Crown Lands Department, s. 31.

Mode of assessing land, ss. 32-35.

Valuation of land, ss. 36-42.

International and intermunicipal bridges, s. 43.

Railways, ss. 44-45.

Notice of assessment, s. 46.

Time for completion of Roll, s. 47.

Correction of errors, ss. 48-51.

Inquiries to prevent false votes, s. 52.

Special provisions for cities, etc., ss. 53-56.

COURT OF REVISION, ss. 57-67.

APPEALS, ss. 68-79.

EQUALIZATION, ss. 80-88.

COLLECTION OF TAXES, ss. 89-115.

Persons liable for Taxes, ss. 89-92.

Provincial taxes, s. 93.

Collectors' rolls, preparation of, ss. 94-97.

Duties of collectors, ss. 98-115.

Notice of taxes, ss. 90-101.

Special provisions under by-laws, s. 102.

Distress, ss. 103-108.

Taxes on land, s. 103 (1), (3).

Taxes not charged on land, s. 103 (2), (3).

Exemptions, s. 103 (4) (5).

Procedure in making distress, ss. 103 (6)-108.

Return of roll, ss. 109-115.

ARREARS OF TAXES : 116-187.

Duties of Treasurers, etc., ss. 116-134.

Sale of lands for taxes, ss. 135-156.

Certificate of sale, redemption and deed, ss. 157-172.

Deed binding unless questioned within two years, s. 173.

Deed to be valid if sale valid though statute authorizing it be repealed, s. 174.

Right of entry adverse to purchaser in possession not to be conveyed, s. 175.

Right to improvements when sale void, s. 176 (1).

Option of purchaser to retain land on paying its value, s. 176 (2).

Payment into Court, ss. 177-180.

Costs when value of land and improvements alone in question, s. 181.

Lien of tax purchaser for purchase money when title invalid, s. 182.

Contracts between tax purchaser and original owner continued, s. 183.

Application of sections 175-183 limited, s. 184.

Interpretation of secs. 174-184, s. 185.

Special provisions as to cities and towns and certain townships, ss. 186, 187.

DEFICIENCY FROM NON-PAYMENT TO BE MADE UP BY MUNICIPALITY IN CERTAIN CASES, s. 188.

DEBENTURES ON CREDIT OF ARREARS OF TAXES, s. 189.

ARREARS IN NEW MUNICIPALITIES, ss. 190-193.

ARREARS ON LANDS ADDED TO A CITY OR TOWN, s. 194,

RESPONSIBILITY OF OFFICERS, ss. 195-221.

MISCELLANEOUS, ss. 222-227.

REPEALING CLAUSE, s. 228.

COMMENCEMENT OF ACT, 229.

HIS

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY PROVISIONS.

1. This Act may be cited as "*The Assessment Act.*" *See* Short title. R.S.O. 1897, c. 224, s. 1.

2. Where the words following occur in this Act or the Interpretation clause. Schedules thereto, they shall be construed in the manner hereininafter mentioned, unless a contrary intention appears:

1. "Gazette" shall mean *The Ontario Gazette*; "Gazette."
2. "Township" shall include a union of townships. "Township."
3. "County Council" shall include provisional county "County Council."
4. "Town" and "Village" shall mean respectively incor- "Town."
porated town and village; "Village."
5. "Municipality" shall mean and include a city, town, "Municipality." incorporated village or township, but not a county. R. S. O. 1897, c. 224, s. 2, par. 6, amended.
6. "Tenant" shall include occupant and the person in "Tenant." possession other than the owner. *New.*
7. "Land," "Real Property" and "Real Estate" shall "Land." include:
 - (a) Land covered with water;
 - (b) All trees and underwood growing upon land;
 - (c) All mines, minerals, gas, oil, salt, quarries and fossils in and under land;
 - (d) All buildings, or any part of any building and all structures, machinery, and fixtures, erected, or placed upon, in, over, under, or affixed to, land;
 - (e) All structures and fixtures erected or placed upon, in, over, under or affixed to any highway, road, street, lane or public place or water; but not the rolling stock of any railway, electric railway, tramway or street railway. *See* R.S.O. 1897, c. 224, s. 2, par. 9; 3 Edw. VII, c. 21, s. 7 (1).
8. "Income" shall mean the annual profit or gain or gratuity "Income." (whether ascertained and capable of computation as being wages, salary or other fixed amount or unascertained as being fees or emoluments, or as being profits from a trade or commercial or financial or other business or calling) directly or indirectly

indirectly received by a person from any office or employment, or from any profession or calling, or from any trade, manufacture or business, as the case may be; and shall include the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security, or from stocks, or from any other investment, and also profit or gain from any other source whatever. *New.*

"Insurance Company."
Rev. Stat.,
c. 203.

9. "Insurance Company" shall mean any company or friendly society or other corporation transacting within Ontario any class of insurance to which *The Ontario Insurance Act* applies or may hereafter be made applicable by any general or special Act of this Legislature. *New.*

"Loan Company."
Rev. Stat.,
c. 205.

10. "Loan Company" shall mean a "Loan Corporation" within the meaning of *The Loan Corporations Act*. *New.*

"Trust Company."
Rev. Stat.,
c. 206.

11. A "Trust Company" shall mean a trust company within the meaning of *The Ontario Trust Companies Act*. *New.*

"Last revised assessment roll."

12. "Last revised assessment roll" shall mean the last revised assessment roll of a municipality; and an assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the municipality, or by the Judge of the County Court on appeal as by this Act provided, or when the time within which appeal may be made has elapsed.

"List of voters."
Rev. Stat.,
c. 7.

13. "List of voters" shall mean the alphabetical list referred to in *The Ontario Voters' Lists Act*. R.S.O., c. 224, s. 2, pars. 11, 12.

[See also R.S.O. 1897, c. 1, s. 10.]

All taxes to
be levied
equally upon
all assess-
ments, where
no other
provision
made.

3. All municipal, local or direct taxes or rates shall where no other express provision is made be levied upon the whole of the assessment for real property, income and business or other assessments made under this Act, according to the amounts assessed in respect thereof, and not upon any one or more kinds of property or assessment or in different proportions. R.S.O. 1897, c. 224, s. 6, amended.

Rateable
property,
what to
include.
3 Edw. VII.,
c. 19.

4. Wherever in *The Consolidated Municipal Act*, 1903, or in any other general or special Act of this Legislature heretofore or hereafter in force or in any by-law heretofore or hereafter passed under any such Act, the yearly rates or any special rate are expressly or in effect directed or authorized to be levied upon all the rateable property of the municipality for any municipal or school purposes, such rates shall hereafter be calculated at so much in the dollar upon the total assessment of the municipality and shall be calculated and levied upon the whole of the assessment for real property, income and business or other assessments made under this Act. (*New*).

5. All real property in this Province and all income derived either within or out of this Province by any person resident therein, or received in this Province by or on behalf of any person resident out of the same shall be liable to taxation, subject to the following exemptions, that is to say:—

1. The interest of the Crown in any property, including property held by any person in trust for the Crown, or in trust for any tribe or body of Indians. R.S.O. 1897, c. 224, s. 7, par. 1, amended.

2. Every place of worship and land used in connection therewith, churchyard or burying ground. R.S.O., 1897, c. 224, s. 7, par. 3. 3 Edw. VII., c. 21, s. 1, (2.) See also 3 Edw. VII., c. 19, s. 683.

3. The buildings and grounds of and attached to or otherwise bona fide used in connection with and for the purposes of every university, every college, every high school, public or separate school, or any incorporated seminary of learning, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, but not if otherwise occupied. 3 Edw. VII., c. 21, s. 1 (1), amended.

4. Every city or town or township hall, or any hall by law of a township council declared to be a public hall, and every court house, gaol, house of correction, lock-up house and public hospital, receiving aid under *The Charity Aid Act* with the land attached thereto respectively. R.S.O. 1897, c. 224, s. 7, par. 5, amended.

5. Every public road and way or public square.

Public roads,
etc.

6. The property belonging to any county or municipality, whether occupied for the purposes thereof or unoccupied ; but not when occupied by any person as tenant or lessee. R.S.O. 1897, c. 224, s. 7, par. 7, amended.

7. The property belonging to any municipality, and in use as a public park, whether situate within the municipality owning the same or in another municipality or municipalities.

8. The Provincial Penitentiary, the Central Prison and the Provincial Reformatory, and the land attached thereto. R. S.O. 1897, c. 224, s. 7, pars. 8, 9.

9. Every industrial farm, poor-house, alms-house, orphan asylum, and every boys' or girls' or infants' home or other charitable institution conducted on philanthropic principles and not for the purpose of profit or gain, house of industry, house of refuge, and public lunatic asylum, and every house belonging to a company for the reformation of offenders, and the real property belonging to or connected with the same. R.S.O. 1897, c. 224, s. 7, par. 10, amended.

Immigration Aid Societies.

Rev. Stat., c. 262.

Rev. Stat., c. 259.

Income from surplus funds of Friendly Societies.

Scientific or literary institutions, etc.

Rev. Stat., c. 196.

Official income of Governors.

Income of officers, etc., on full pay.

Income from farms.

Machinery.

10. The property of any incorporated society operating in Ontario under Chapter 262 of the Revised Statutes of Ontario, intituled *An Act to regulate the Immigration into Ontario of certain Classes of Children*, or of any children's aid society incorporated under *The Children's Protection Act of Ontario*, whether held in the name of such society or in the name of a trustee or otherwise, being only property used exclusively for the purposes of and in connection with such society. 63 V., c. 34, s. 2; 1 Edw. VII, c. 29, s. 1.

11. The income of any nature or kind whatsoever arising from the surplus funds of any registered Friendly Society. *New.*

12. The property of every public library, mechanics' institute and other public institution, literary or scientific, and of every agricultural or horticultural society, to the extent of the actual occupation of such property for the purposes of any of such institutions or societies; and the lands and buildings of every company formed under the provisions of *The Act respecting Joint Stock Companies for the Erection of Exhibition Buildings*, to the extent to which the council of the municipality in which such lands and buildings are situated consents that such property shall be exempt. R. S. O. 1897, c. 224, s. 7, par. 11, *amended*.

13. The official income of the Governor-General of the Dominion of Canada, and the official income of the Lieutenant-Governor of this Province. R. S. O. 1897, c. 224, s. 7, par. 12, *amended*.

14. The full or half-pay of any officer, non-commissioned officer or private of His Majesty's regular Army or Navy; and any pension, salary, gratuity or stipend derived by any person from His Majesty's Imperial Treasury, and the income of any person in such Naval or Military services, on full pay, or otherwise in actual service. 3 Edw. VII., c. 21, s. 2, *amended*.

15. The income of a farmer derived from his farm. R.S.O. 1897, c. 224, s. 7, par. 17, *part*.

16. All fixed machinery used for manufacturing or farming purposes; but this shall not apply to fixed machinery used, intended or required for the production or supply of motive power including gas, electric and other motors, nor to machinery owned, operated or used by a railway company or by a person having right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, road, street, lane, public place or public water, any structures or other things, for the purposes of bridges, tramways or street railways, or for the purpose of conducting steam, heat, water, gas, oil, electricity, or any property, substance, or product capable of transportation, transmission or conveyance, for the supply of water, light, heat, power, transportation, or other service. *New.*

17. The dividends or income from stock held by any person in any incorporated company, the income of which is liable to assessment in this Province. R.S.O., 1897, c. 224, s. 7, par. 20, amended.

18. The dividends or income derived from the stock or shares held by any person in any toll road. R. S. O., 1897, c. 224, s. 7, par. 22, amended.

19. The annual income derived from personal earnings or from any pension, gratuity or retiring allowance in respect of personal services by any person assessable directly in respect of income under this Act to the amount of \$1,000 where such person is resident in a city or town having a population of 10,000 or over, or to the amount of \$700 where such person is resident in any other municipality, provided that such person is a householder in the city, town or other municipality and is assessed as a householder therein, and the annual income, derived from personal earnings or from any pension, gratuity or retiring allowance in respect of personal services, of every person, not being a householder and assessed as such as aforesaid, to the amount of \$400. *New.* See 3 Edw. VII., c. 21, s. 3.

20. Rent or other income derived from real estate, except interest on mortgages. R.S.O., 1897, c. 224, s. 7, par. 27.

6. The exemptions provided for by section 5 of this Act shall be subject to the provisions of *The Consolidated Municipal Act, 1903*, providing for the assessment of property for local improvements, which would otherwise be exempt from such assessment under the said section 4. 3 Edw. VII., c. 21, s. 5, amended.

7. The exemption to which certain officers connected with the Superior Courts were, at the time of their appointment, and on the 5th day of March, 1880, entitled by Statute, in respect of their salaries, is abolished as respects all persons appointed by the Lieutenant-Governor to such offices after the said 5th day of March, 1880, and shall continue in respect of such officers only as were appointed before that date. R. S. O., 1897, c. 224, s. 12.

8.—(1) Where any person is entitled by law to exemption from assessment in respect of income, he may, upon making an affidavit stating the amount of his income and according to the form given in Schedule A to this Act, require his name to be entered upon the assessment roll for such income, for the purpose of being entitled to vote at elections for municipal councils; and upon such affidavit being delivered to the assessor at any time before the day fixed for the return of his roll, it shall be the duty of the assessor to enter the name of such person in the assessment roll; and

Income from
stock in
companies.

Income from
personal earn-
ings, etc.

Rental of real
estate, etc.

Assessments
for local im-
provements.

Exemption of
certain officers
of Superior
Courts abol-
ished as to
future ap-
pointments.

Exemption of
persons for
exempted
income at
request.

and such income shall in such case be liable to taxation like other assessable income. R. S. O. 1897, c. 224, s. 9, amended.

(2) Such affidavit may be made before the assessor or as provided in section 222 of this Act. *New.*

Transfer of property theretofore exempt to a person not entitled to exemption.

9.—(1) Whenever a transfer is made of any property theretofore exempt from taxation under section 5 of this Act, to some person not thereafter entitled to such exemption, or whenever property used for some purpose which would entitle it to exemption under the said section ceases to be so used, or whenever the period for which any property is declared to be exempt from taxation under any statute or by-law expires, such property shall immediately be liable to taxation for so much of the taxes as such property would have been liable for after such transfer, if it had not been exempt; and the taxes levied and collected in respect thereof shall form part of the general taxes of the municipality.

General taxes.

(2) If the assessment for such municipality or the ward or part thereof where such property is situated has been completed before such transfer, or so far completed that the same cannot be assessed in the usual manner, then the assessor or assessment commissioner of the municipality shall assess the said property as though the assessment rolls were not completed, and the person assessed therefor shall have the right to appeal against such assessment within four days after receiving notice thereof; and, if he appeals therefrom, all the provisions of this Act as to appeals to or from the Court of Revision shall apply thereto; and thereafter such owner and occupant shall be liable for the taxes thereon at the rate fixed for such year as though the name of the owner and the description of the property and the value thereof and other particulars were inserted in the usual way.

Remedies for collection.

(3) All remedies for collecting such taxes shall be applicable to such owner and property.

Not to apply after rate of taxation for year fixed.

(4) These provisions shall not apply to enable any taxes for the current year to be collected upon any property transferred after the by-law fixing the rate of taxation for such year has been passed. 3 Edw. VII., c. 21, s. 4.

Business assessment.

10.—(1) Irrespective of any assessment of land under this Act, every person occupying or using land in the municipality for the purpose of any business mentioned or described in this section shall be assessed for a sum to be called "Business Assessment" to be computed by reference to the assessed value of the land so occupied or used by him, as follows:—

(a) Every person carrying on the business of a distiller for a sum equal to 150 per cent. of the said assessed value.

(b)

- (b) Every person carrying on the business of a brewer for a sum equal to 75 per cent. of the said assessed value of the land occupied or used by him for such business exclusive of any portion of such land occupied and used by him as a malting house and for a sum equal to 60 per cent. of the assessed value as to such last mentioned portion.
- (c) Every person carrying on the business of a wholesale merchant, of an insurance company, a loan company or a trust company, as defined by this Act, or of an express company carrying on business on or in connection with a railway or steamboats or sailing or other vessels where such land is occupied or used mainly for the purpose of its business, or of a land company, or of a bank or a banker, or of any other financial business for a sum equal to 75 per cent. of the said assessed value.
- (d) Every person carrying on the business of a manufacturer for a sum equal to 60 per cent. of the said assessed value; and a manufacturer shall not be liable to business assessment as a wholesale merchant by reason of his carrying on the business of selling by wholesale the goods of his own manufacture on such premises.
- (e) Every person carrying on the business of what is known as a departmental store or of a retail merchant dealing in more than five branches of retail trade or business in the same premises or in separate departments of premises under one roof, or in connected premises, where the assessed value of the premises exceeds \$20,000, or of a coal or wood or lumber dealer, lithographer, printer or publisher, or of a club, in which meals or spirituous or fermented liquors are sold or furnished or the business of selling, bartering, or trafficking in fermented, spirituous or other liquors in any premises in respect of which a shop license has been granted, for a sum equal to 50 per cent. of the said assessed value; but in cities having over 100,000 population coal dealers shall be assessed for a sum equal to 30 per cent. of the said assessed value.
- (f) Every person practising or carrying on business as a barrister, solicitor, notary public, conveyancer, physician, surgeon, oculist, aurist, medical electrician, dentist, veterinarian, civil or mining or consulting or mechanical or electrical engineer, surveyor or architect and, subject to subsection 5 of this section, every person carrying on a financial

financial or commercial business as agent only, for a sum equal to 50 per cent. of the said assessed value. Provided that where a person belonging to any class mentioned in this clause occupies or uses land partly for the purposes of his business and partly as a residence 50 per cent. of the assessed value of the land occupied or used by him shall for the purpose of the business assessment be taken as and construed to be the full assessed value of the land so occupied or used.

- (g) Every person carrying on the business of a retail merchant in cities having a population of over 50,000 for a sum equal to 25 per cent. of the said assessed value; in other cities and towns having a population of 10,000 or over for a sum equal to 30 per cent. of the said assessed value; and in all other municipalities for a sum equal to 35 per cent. of the said assessed value.
- (h) Every person carrying on the business of a photographer, or of a theatre, concert hall, or skating rink, or other place of amusement, or of a boarding stable, or a livery, or the letting of vehicles or other property for hire, or of a restaurant, eating house, or other house of public entertainment, or a hotel in respect of which a tavern license has been granted or any trade or commercial business not before in this section or in clause (i) specially mentioned, for a sum equal to 25 per cent. of the said assessed value.
- (i) Every person carrying on the business of a telegraph or telephone company, or of an electric railway, tramway or street railway, or of the transmission of oil or water, or of steam, heat, gas, or electricity for the purposes of light, heat, or power, for a sum equal to 25 per cent. of the assessed value of the land (not being a highway, road, street, lane, or public place or water or private right of way), occupied or used by such person, exclusive of the value of any machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

Persons carrying on more than one class of business.

(2) No person shall be assessed in respect of the same premises under more than one of the clauses of subsection 1, and where any person carries on more than one of the kinds of business mentioned in that subsection on the same premises, he shall be assessed by reference to the assessed value of the whole of the premises under that one of the said clauses in which is included the kind of business which is the chief or preponderating business of those so carried on by him in or upon such premises.

(3) Where the amount of the assessment of any person assessable under this section, would under the foregoing provisions be less than \$250, he shall be assessed for the sum of \$250. Minimum assessment.

(4) Where any person mentioned in subsection 1 occupies or uses land partly for the purpose of his business and partly for the purpose of a residence, he shall be assessed in respect of the part occupied for the purpose of his business only ; but this provision shall not apply to persons assessed under clause (f) of subsection 1. Where land used partly for business and partly for residence.

(5) A financial or commercial business, in subsection 1 mentioned, shall not include a business carried on by operating vessel property of the following description, namely, steamboats, sailing or other vessels, tow barges or tugs; nor the business of a steam railway; nor the business of a broker or financial agent, or of a manufacturer's agent, or other agent or intermediary in the business of the sale of goods who has not the actual custody of the goods, or has the custody of samples only. Certain businesses not included.

(6) No person occupying or using land as a farm, market-garden or nursery shall be liable to business assessment in respect of such land. Farmers, market gardeners and nursery-men.

(7) Except as provided in clause (c) of subsection 1 of section 11 of this Act every person liable to assessment in respect of a business under subsection 1 shall not be subject to assessment in respect of income derived from such business, nor shall any person be subject to assessment in respect of dividends derived by him from shares in the stock of a corporation carrying on a mercantile or manufacturing business and which corporation is subject to assessment under subsection 1 ; nor shall the premiums or assessments of an insurance company be assessable by any municipality. Income from business not assessable.

(8) Every person assessed for business assessment shall be liable for the payment of the tax thereon and the same shall not constitute a charge upon the land occupied or used. *New.* Tax not a charge on land.

Taxation on income directly.

11. —(1) Subject to the exemptions provided for in sections 5 and 10 of this Act the following persons shall be assessed and taxed in respect of income :— Taxable income.

- (a) Every person not liable to business assessment under section 10, and
- (b) Every person although liable to business assessment under section 10 shall also be liable in respect of any income not derived from the business in respect of which he is assessable under that section.

(c) Every person liable to business assessment under clause (*f*) of subsection 1 of section 10 in respect of the income derived by him from his business profession or calling, to the extent to which such income exceeds the amount of such business assessment. *New.*

(2) Where such income is not a salary or other fixed amount capable of being estimated for the current year, the income of such person for the purposes of assessment shall be taken to be not less than the amount of his income during the year ending on the 31st day of December then last past. *New.* See R.S.O. 1897, c. 224, s. 35.

Place of assessment for income

12.—(1) Every person assessable in respect of income under section 11 shall be so assessed in the municipality in which he resides but may be so assessed in such municipality either at his place of residence or at his office or place of business. *New.* See R.S.O. 1897, c. 224, s. 42.

Partnerships.

(2) The income of a partnership, or of an incorporated company, if assessable, shall be assessed against the partners at their chief place of business, and against the company at its head office, or if the company has no head office in Ontario, at its chief place of business in the municipality. *New.* See R. S. O. 1897, c. 224, ss. 39, 40.

Income in control of agent, etc., of non-resident, assessable against agent.

13.—(1) Every agent, trustee or person who collects or receives, or is in any way in the possession or control of income for, or on behalf of, a person who is resident out of the Province, shall be assessed in respect of such income.

(2) Every person assessed under this section shall be so assessed at his place of business, if any, or if he has no place of business, at his residence. *New.* See R.S.O. 1897, c. 224, ss. 11, 38, 44, 46 ; 63 V., c. 34, s. 4.

Telegraph and Telephone Companies.

Assessment of telephone companies, on income in cities, towns, villages and police villages.

14.—(1) Every telephone company carrying on business in a city, town, village, or police village, shall in addition to any other assessment to which it may be liable under this Act, be assessed for 60 per cent. of the amount of the gross receipts belonging to the company in the city, town, village, or police village, from the business of the company for the year ending on the 31st day of December next preceding the assessment. Provided that in cities having a population of over 100,000 inhabitants such company shall be assessed for 75 per cent. of such gross receipts.

Assessment of telephone companies on mileage in townships.

(2) Every telephone company shall be assessed in every township for one ground circuit (being a single wire for carrying a message) or metallic circuit (being two wires for carrying a message), as the case may be, placed or strung on the

the poles or other structures operated or used by the company in the township and in use on the 31st day of December next preceding the assessment at the rate of \$135 per mile and in case any line of poles or other structures carries more than one ground circuit or metallic circuit at the rate of \$7.50 per mile for each additional ground circuit or metallic circuit, as the case may be, placed or strung on the 31st day of December next preceding the assessment.

(3) In the computation of the length of said telephone wires ^{Wires in police villages, and branch lines included.} and additional wires for assessment in a township as aforesaid, the wires placed or strung within the area of any police village, and the wires of all branch and party lines, which do not exceed 25 miles in length, shall not be included.

(4) Every telegraph company carrying on business in a city, town, village or police village shall in addition to any other assessment to which it may be liable under this Act be assessed for 50 per cent. of the amount of the gross receipts belonging to the company in such city, town, village or police village from the business of the company for the year ending on the 31st day of December next preceding the assessment. ^{Telegraph companies. Assessment on income in cities, towns, villages and police villages.}

(5) In every township there shall be assessed against every such telegraph company a sum equal to \$40 for every mile of the length of one wire placed or strung on the poles or other structures operated or used by the company in the township and in use on the 31st day of December next preceding the assessment and a sum equal to \$5 per mile for each additional wire so placed or strung on the 31st day of December next preceding the assessment. ^{Assessment on mileage in townships.}

(6) In the computation of the length of said telegraph wires ^{Wires in police villages and branch and loop lines excluded.} and additional wires for assessment in a township as aforesaid the wires placed or strung within the area of any police village and the wires of all branch and loop lines which do not exceed twenty-five miles in length shall not be included.

(7) In the measurement of such additional wires, the length of every telegraph wire and of every telephone wire forming a ground circuit or pair of telephone wires forming a metallic circuit, as the case may be, placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages shall be computed. ^{What to be measured as separate wires.}

(8) Every company assessed as provided in this section shall, in townships, be exempt from assessment in any other manner or on any other property for municipal purposes, and shall, in cities, towns, villages and police villages be exempt from assessment in respect of all plant, appliances and machinery wherever situated and in respect of all structures placed on, over, under, or affixed to any highway, road, street, lane, or public place or water. ^{Exemption from other assessments.}

(9) Where the poles or wires of a telegraph or telephone company are placed on the boundary line between two townships ^{Poles and wires on township boundaries.}

ships or so near thereto that the poles or wires are in some places on one side and in other places on the other side of the boundary line or are placed on a road which lies between two townships, although it may deviate so as in some places to be wholly or partly within either of them, the company shall be assessed in each township for one-half of the amount assessable against it under subsection 2 or subsection 5, as the case may be, in both the townships taken together.

Tax to be a
lien on lands
of company.

(10) The taxes payable by a company in any municipality under this section shall be a lien on all the lands of the company in the municipality. *New.*

Returns by
telegraph and
telephone
companies.

15.—(1) Every telegraph and telephone company doing business in Ontario shall on or before the 1st day of February in each year:

1 Deliver to the Provincial Secretary a statement in writing showing:—

- (a) The gross receipts of the company in the Province and the gross receipts of the company in each city, town, village and police village in the Province, from its business for the year ending on the 31st day of December then last past:
- (b) The length in miles of one wire or of a pair of wires forming a metallic circuit placed or strung on all the poles or other structures operated or used by the company in each township in Ontario:
- (c) The number of miles in length of one wire or of one pair of wires, as the case may be, forming a metallic circuit operated or used by the company in each township in Ontario, including in the measurement the length in each township of every wire or pair of wires, as the case may be, placed or strung in cables or other combinations, and used or capable of being used as an independent means of conveying messages.

2. Deliver or mail to the assessment commissioner, or if there be no assessment commissioner, to the clerk, of every city, town and village and to the clerk of the township in the case of a police village in which the company does business, a statement in writing of the amount of the gross receipts of the company in such city, town, village or police village for the year ending on the 31st day of December then last past.

(2) Every such statement shall be signed by or on behalf of the company and shall be verified in the same manner as assessment returns are required by section 19 to be verified. *New.*

any

ASSESSMENT RETURNS BY TAX-PAYERS.

16. It shall be the duty of every person assessable in any municipality to give all necessary information to the assessors, if required by them, for the purposes of enabling the assessors to properly assess him. *New. See R.S.O. 1897, c. 224 s. 47.*

17. It shall be the duty of every person employing any other person in his trade, manufacture, business or calling within 10 days after demand therefor to furnish or cause to be furnished to the assessors information concerning the names, places of residence, and wages, salary or other remuneration, of all persons employed by him whose wages, salary or other remuneration exceed \$1,000 per annum in cities and towns having a population of 10,000 or over and \$700 in other municipalities in the case of householders and in all municipalities \$400 in the case of non-householders. *New.*

18.—(1) Any assessor requiring information from any person pursuant to section 16, shall cause to be delivered or mailed to the address of such person a notice according to the form given in Schedule E to this Act, accompanied, by such blank forms of the assessment return to be made by such person as may be necessary; and such person shall, within ten days thereafter, enter in the said forms all the particulars required by the notice to be given, in the proper blanks and columns, and deliver or mail such assessment return to the assessor.

(2) Before delivering or mailing the said assessment return to the assessor the same shall be signed by or on behalf of such person, and shall be verified by a statutory declaration in writing attached thereto.

(3) Such declaration may be made before the assessor or as provided in section 222. *New.*

19.—(1) Every corporation whose dividends are liable to taxation against the shareholders as income, upon the receipt of a notice from the assessor or assessment commissioner (such notice to be given by delivering or mailing the same by registered letter prepaid, to the principal officer of the corporation in this Province, or to the manager, cashier or other chief officer of any branch or agency of such corporation in any municipality in the Province, or by leaving the same at such principal office, or the office of such manager, cashier or other chief officer), shall within thirty days after the delivering, mailing or leaving of such notice, deliver or mail, to the assessor or assessment commissioner a statement, in writing setting forth the names of shareholders who are resident in the municipality or who ought to be assessed for their income by the municipality, the amount of stock

held by every such shareholder on the day named for that purpose by the assessor or assessment commissioner in his said written notice, and the amount of dividends and bonuses declared during the twelve months next preceding. R.S.O. 1897, c. 224, s. 48, *amended*.

(2) Every such statement shall be verified by a statutory declaration in writing attached thereto, made by some officer of the corporation having a knowledge of the facts. *New.*

(3) Such declaration may be according to the form given in Schedule E to this Act with such variations as may be necessary. *New.*

Assessor not bound by returns.

20.—(1) The assessor shall not be bound by any statement delivered under the next four preceding sections, nor shall the same excuse him from making due inquiry to ascertain its correctness; and, notwithstanding any such statement, the assessor may assess every person for such amount as he believes to be just and correct, and may omit his name or any property which he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such property. R.S.O. 1897, c. 224, s. 49, *amended*.

Information to be confidential.

(2) Except when examined as a witness before any Court no assessor, assessment commissioner, assistant or other person employed by the municipality shall communicate or allow to be communicated to any person except to the solicitor of the municipality in the discharge of his duty any information obtained under the provisions of sections 16 to 19 inclusive or allow any person to inspect or have access to any written statement furnished under the provisions of sections 18 or 19 and no person other than the assessor or assessment commissioner and their assistants shall be entitled to any information respecting the assessment of any person other than as provided in section 47. *New.*

Penalty.

(3) Any person who contravenes sub-section 2 of this section shall upon conviction thereof before a court of competent jurisdiction be liable to a fine not exceeding \$200 and to imprisonment until the fine is paid, in the common gaol of the county or city for a period not exceeding six months, or to both such fine and imprisonment in the discretion of the court. *New.*

Penalty for neglect to give information.

21.—(1) Any person who, having been duly required to deliver or furnish any written statement or information mentioned in the next preceding five sections, makes default in delivering or furnishing the same and any company which makes default in delivering the statement in writing in section 15 mentioned, shall incur a penalty of \$100 and an additional penalty of \$10 for each day during which default continues.

(2).

(2) Any person knowingly stating anything falsely in any such statement or in furnishing such information shall incur a penalty of \$200.

(3) The penalties imposed by this section may be recovered on summary conviction before any justice of the peace having jurisdiction within the municipality in which is the address of the assessor or other person to whom the statement is required to be delivered or mailed, and shall be paid over to the municipality. *New.* See R.S.O. 1897, c. 224, s. 50.

DUTIES OF ASSESSORS.

As to the Appointment of Assessors, see section 295 of The Consolidated Municipal Act, 1903.

PREPARATION OF ASSESSMENT ROLLS.

22.—(1) Every assessor shall prepare an assessment roll in which after diligent inquiry he shall set down according to the best information to be had, the particulars hereinafter mentioned, and in doing so he shall observe the following provisions:—

- (a) He shall set down the names and surnames, in full, if the same can be ascertained, of all persons, whether they are or are not resident in the municipality ward, or district for which the assessor has been appointed, who are taxable therein.
- (b) He shall set down the amounts assessable against each person, opposite his name in the proper columns for that purpose. R.S.O. 1897, c. 224, s. 13, (1), amended.
- (c) Land known to be subdivided shall be designated in the roll by the numbers or other designation of the subdivisions, with reference where necessary to the plan or survey thereof; land not subdivided into lots shall be designated by its boundaries or other intelligible description.
- (d) Each subdivision shall be assessed separately, and every parcel of land, (whether a whole subdivision or a portion thereof, or the whole or a portion of any building thereon) in the separate occupation of any person, shall be separately assessed. *New.* See R.S.O. 1897, c. 224, s. 34.
- (e) Subject to the provisions of subsection 5 of this section, where land is assessed against both owner and tenant, both names shall be placed on the roll and shall be bracketed opposite the land, and both names shall be numbered on the roll. R.S.O. 1897, c. 224, s. 24 (1), amended.

Deceased persons.

(f) No assessment shall be made against the name of any deceased person, but when the assessor is unable to ascertain the names of the persons who should be assessed in lieu of the deceased person, he may insert, instead of such names, the words "Representatives of A. B., deceased," (*giving the name of such deceased person*). R. S. O. 1897, c. 224, s. 13 (2), amended.

Non-residents.

(g) In assessing lands of non-residents in municipalities to which sub-section 6 of section 33 is applicable, the assessor shall enter such lands at the end of the ordinary assessment roll, separated from the other assessments and placed under the heading "Land of Non-residents," and shall fill in as far as is possible under such heading with regard to such lands, the particulars mentioned in columns 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 23 of the roll. *New. See R.S.O. 1897, c. 224, s. 34.*

Inquiry as to births and deaths.

(2) The assessor when making the annual assessment, shall inquire of every resident taxable person whether there have been any births or deaths in the family within the previous twelve months, ending on the 31st day of December then last past, and the respective dates thereof and shall enter the number and respective dates of the same opposite the name of the person assessed, in the column headed "Birth" or "Death," as the case may be. R.S.O. 1897, c. 224, s. 13 (3), amended.

Further particulars

(3) The assessor shall set down the particulars in separate columns as follows :

Column 1.—The successive number on the roll.

Column 2.—Name (surname first) and post office address of taxable person (including both the owner and tenant in regard to each parcel of land, and persons otherwise taxable) or person entitled to be entered on the roll as a farmer's son.

Column 3.—The age of the taxable person.

Column 4.—Statement whether the person is a freeholder, or tenant, by inserting opposite his name the letter "F." or "T." as the case may be; and where, in any municipality in which *The Manhood Suffrage Registration Act* is not in force, the person is entitled to be entered upon the roll as qualified to vote under *The Ontario Election Act*, and, where in any municipality in which the first mentioned Act is in force the person is qualified to vote at municipal elections therein as well as at elections for the Legislative Assembly, there shall also be inserted opposite his name in said column, in capitals, the letters "M.F.," meaning thereby "Manhood Franchise;" and where the person is, within the meaning of section 86 of *The*

Rev. Stat.
c. 8.

Rev. Stat.
c. 9.

The Consolidated Municipal Act, 1903, a "farmer's son,"³ Edw. VII., there shall also be similarly inserted the letters "F.S.;" and^{c. 19, s. 86.} all such names shall be numbered on the roll.

[For enactment prohibiting the assessor, in municipalities where *The Manhood Suffrage Registration Act* is in force, from placing on the roll the name of any person not liable to assessment for taxes, see R.S.O. 1897, Cap. 8, sec. 2.]

Column 5.—Occupation, and in the case of females, a statement whether the person is a spinster, married woman, or widow, by inserting opposite the name of the person the letter "S," "M," or "W," as the case may be, and in the case of any non-resident owner the letters "N.R." See as to Trustees, etc., sec. 32, (12).

Column 6.—Number of concession, name of street, or other designation of the local division in which the real property lies; residence, in the case of manhood suffrage voters and other persons not assessed for land.

Column 7.—Number of lot, house, etc., in such division (See also subsection 4.)

Column 8.—Number of acres, or other measure shewing the extent of the property.

Column 9.—Number of acres cleared, (or, in cities, towns, or villages, whether vacant or built upon), including, as cleared land, all land cleared of trees, arable or otherwise fit for cultivation, or suitable for pasture.

Column 10.—Number of acres of woodland.

Column 11.—Number of acres of slash land.

Column 12.—Number of acres of swamp, marsh or waste land.

Column 13.—Actual value of the parcel of real property, exclusive of the buildings thereon.

Column 14.—Value of buildings.

Column 15.—Total actual value of the parcel of real property.

Column 16.—Total amount of taxable real property.

Column 17.—Total value of the parcel if liable for school rates only.

Column 18.—Total value of property exempt from taxation or liable for local improvements only.

Column 19.—Business Assessment under section 10.

Column 20.—Amount of income taxable under sections 11 to 13.

Column

Column 21.—Total Assessment.

Column 22.—Religion.

Column 23.—School section, and whether a public, or separate school supporter by inserting the letters "P" or "S" as the case may be.

Column 24.—Number of children between the age of 5 and 21. *See 1 Edw. VII., c. 39, s. 12 (3).*

Column 25.—Number of children between the ages of 5 and 16. *See 1 Edw. VII., c. 39, s. 12 (3).*

Column 26.—Number of persons in the family of each person assessed as a resident, including such person and all other persons residing on the premises.

Column 27.—Statute labour (stating the number of male persons from twenty-one to sixty years of age and the number of days' labour).

Column 28.—Births.

Column 29.—Deaths.

Column 30.—Dog tax—Number of dogs and number of bitches.

Column 31.—Date of delivery of notice under section 46

Column 32.—Remarks. R.S.O. 1897, c. 224, s. 13 (4) amended.

When
residence of
person assess-
ed to be
entered.

(4) Opposite the name of every person entitled to be entered on the assessment roll but not assessed for land the assessor shall, in columns 6 and 7 mentioned in subsection 3 of this section enter :

- (a) In the assessment roll of a city, town or village, the residence of such person by the number thereof (if any) and the street or locality whereon or wherein the same is situate ;
- (b) In the assessment roll of a township, the concession wherein and the lot or part of a lot whereon such person resides,

and in all cases any additional description, as to locality or otherwise, which may be reasonably necessary to enable such residence to be ascertained and verified. R.S.O. 1897, c. 224, s. 13 (6), amended.

Special
columns in
cities and
towns.

(5) In cities and towns the assessment commissioner or the assessor as the case may be, may vary the form of the assessment roll so as to shew in columns 1, 2, 3, 4 and 5 the name and other particulars relating to occupants of land or if no occupant by inserting in column 2 the words "vacant lot"), and

and in an additional set of columns numbered 1 α , 2 α , 3 α , 4 α and 5 α similar particulars relating to the owner or lessee, if such lessee holds a lease extending over twenty-one or more years, and by inserting in column 4 α the letters "O" or "L", as the case may require, opposite the name of the owner or lessee.
62 V. (2), c. 27, s. 2, amended.

(6) In any city or town the form of the assessment roll may be varied so as to give any additional information required owing to changes in the boundaries of the municipality or other like causes, and columns may be omitted which are inapplicable to a city or town. *New.*

Variations of
roll in cities
and towns.

Farmers' Sons.

23.—(1) In this section the words and expressions "Farm," Interpretation. "Son," "Sons," "Farmer's Son," "Father," "Election," "To Vote," and "Owner," shall respectively have the meaning given thereto by section 86 of *The Consolidated Municipal Act, 1903.* R. S. O. 1897, c. 224, s. 14 (1), amended.

(2) Every farmer's son *bona fide* resident on the farm of his father or mother, at the date of the assessment, shall be entitled to be, and may be, entered on the roll, in the cases following:

- (a) If the father is living, and either the father or mother is the owner of the farm, or if the father is dead, and the mother is the owner of the farm, and is a widow, and the farm is assessed at an amount sufficient, if equally divided between the father and the sons or the mother and the sons, to give to each a qualification to vote at a municipal election.
- (b) Occasional or temporary absence from the farm for a time or times, not exceeding in the whole six months of the twelve months next prior to the date of the assessment by the assessor, shall not operate to disentitle a son to be considered *bona fide* resident as aforesaid.
- (c) If there are more sons than one so resident, and if the farm is not assessed at an amount sufficient, if equally divided between them, to give a qualification to vote at a municipal election, to the father and all the sons, where the father is living, or to the mother and all the sons where the father is dead and the mother is the owner of the farm and is a widow, then the father or the mother, as the case may be, shall be assessed in respect of the farm, and the right to be entered on the roll as a farmer's son shall belong to and be the right only of the eldest or such of the elder of said sons to whom the amount at which the farm is assessed will

will, when equally divided between them and the father, or between them and the mother, as the case may be, give a qualification so to vote.

- (d) If the amount at which the farm is assessed is not sufficient, if equally divided between the father, if living, and one son, or, where the father is dead and the mother is the owner of the farm and is a widow, between the mother and one son, to give to each a qualification so to vote, then the father or the mother, as the case may be, shall be assessed in respect of the farm, and no son shall be entitled to be entered on the roll as a farmer's son. R.S.O. 1897, c. 224, s. 14 (2) *a-e*, amended.
- (e) When a farmer's son is entered on the roll, under any of the above provisions, the letters "F.S." shall be inserted after his name in the proper column of the roll. See R.S.O. 1897, c. 224, s. 14 (2) *f*.

Manhood Suffrage Voters.

Persons to be
entered on
roll as M.F.
voters.
Rev. Stat.,
c. 8.
Rev. Stat.
c. 9.

24.—(1) In municipalities in which *The Manhood Suffrage Registration Act* is not in force the assessor shall place on the assessment roll, as qualified to be a voter under *The Ontario Election Act* the name of every male person of the full age of twenty-one years not disqualified from voting at elections for the Legislative Assembly of Ontario, and a subject of His Majesty by birth or naturalization, who delivers or causes to be delivered to the assessor, an affidavit signed by such person in one of the forms in Schedule B appended hereto, or to the effect therein set forth, if the facts stated are such as entitle such person to be placed thereon, and the affidavit may be made before any assessor, Justice of the Peace, commissioner for taking affidavits, or notary public; and every such officer shall, upon request, administer an oath to any person wishing to make the affidavit;

Proviso.

Provided that such person had resided within the Province for the nine months next preceding the time fixed by statute (or by a by-law authorized by statute) for beginning to make the assessment roll in which he is entitled to be entered as a person qualified to vote;

Proviso.

And provided that such person was in good faith at the time fixed, as aforesaid, for beginning to make said roll, and still is a resident of, and domiciled in, the municipality on the roll of which he desires to be entered, and has resided in the said municipality continuously from the time fixed as aforesaid for beginning to make said roll.

Temporary
absence not to
disqualify.

(2) A person may be resident in the municipality within the meaning of this section, notwithstanding occasional or temporary absence in the prosecution of his occupation as

a lumberman, mariner, or fisherman, or of his attendance as a student in an institution of learning in the Dominion of Canada ; and such occasional or temporary absence shall not disentitle such person to be entered on the assessment roll as a qualified voter.

(3) The assessor shall also make reasonable inquiries in order to ascertain what persons resident in his municipality, or in the section of the municipality in respect of which the assessor is acting, are entitled to be placed on the assessment roll as qualified to be voters under *The Ontario Election Act*, Rev. Stat. and shall place such persons on the roll as qualified to be voters without the affidavit referred to in subsection 1. R.S.O. 1897, c. 224, s. 15. See also R.S.O. 1897, c. 9, s. 8.

25.—(1) No person shall be entitled to be marked or entered by the assessor in the assessment roll as a qualified voter under *The Ontario Election Act*, in respect of residence in a municipality where he is in attendance as a scholar or student at any school, university or other institution of learning, unless he has no other place of residence entitling him to vote under said Act.

(2) No person shall be entitled to be marked or entered by the assessor in the assessment roll as qualified to vote under *The Ontario Election Act*, who at the time of marking or entering is a prisoner undergoing punishment for a criminal offence in a gaol or prison ; or is a patient in a lunatic asylum ; or is maintained, in whole or in part, as an inmate receiving charitable support or care in a municipal poor-house or house of industry, or as an inmate receiving charitable support or care in a charitable institution receiving aid from the Province under any statute in that behalf.

(3) Complaints of persons having been wrongly entered in the assessment roll as qualified to be voters under *The Ontario Election Act*, or of persons not having been entered thereon as qualified to be voters under said Act, who should have been so entered, may, by any person entitled to be a voter under said Act, or to be entered on the voters' list in the municipality or in the electoral district in which the municipality is situate, be made to the Court of Revision as in the case of assessments ; or the complaints may be made to the County Judge under *The Ontario Voters' Lists Act*. R.S.O. 1897, c. 224, s. 16.

Entry of School Supporters on Roll.

26. Where the index book required by section 48 of *The Separate Schools Act* is prepared, the assessor shall be guided thereby in ascertaining who have given the notices which are by law necessary in order to entitle supporters of Roman Catholic separate schools to exemption from the public school tax. R.S.O. 1897, c. 224, s. 54.

Evidence on
which assessor
to enter
persons as
separate
school
supporters.
Rev. Stat.,
c. 294.

27. In any case where the trustees of any Roman Catholic separate school avail themselves of the provisions contained in section 49 of *The Separate Schools Act*, for the purpose (amongst others) of ascertaining, through the assessors of the municipality, the persons who are the supporters of separate schools in such municipality, the assessor (where the entry in the index book mentioned in section 26 does not shew a ratepayer to be a supporter of separate schools) shall accept the statement of the ratepayer, or a statement made on his behalf and by his authority, and not otherwise, that he is a Roman Catholic, as sufficient *prima facia* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. R.S.O. 1897, c. 224, s. 13 (5). See also R.S.O. 1897, c. 224, s. 49.

Notice to be
given of
assessment as
public or
separate
school sup-
porter.

28.—(1) In the case of a municipality in which there are supporters of a Roman Catholic separate school therein, or contiguous thereto, there shall be printed in conspicuous characters, or written across or on the assessor's notice to every ratepayer provided for by section 46 of this Act, and set forth in Schedule F hereto, in addition to the proper entry heretofore required to be made in the column respecting the school tax, the following words: "You are assessed as a Separate School supporter," or "You are assessed as a Public School supporter," as the case may be; or these words may be added to the notice to the ratepayer set forth in the said Schedule.

Notice to be
given of
change in
assessment as
public or
separate
school
supporter.

(2) Where a ratepayer, who was in the next preceding year assessed as a public school supporter, is being assessed as a separate school supporter, or where a ratepayer, who was in the next preceding year assessed as a separate school supporter, is being assessed as a public school supporter, it shall be the duty of the assessor to give, in addition to all other notices, a written or printed notice to such ratepayer that such change is being made. - R.S.O. 1897, c. 224, s. 53.

School Census.

Assessors to
make lists of
children be-
tween 8 and
14 years of
age.

29. The assessors of every municipality shall, upon request being made to the clerk of the municipality, by the board of education or school trustees or by the trustees of school sections before the date at which the assessors are by law required to commence the preparation of their assessment rolls when making their assessment, enter in a book, to be provided by the clerk of the municipality, in the form set forth in Schedule C to this Act, the name, age and residence of every child between the ages of eight and fourteen years, resident in the municipality, and the name and residence of such child's parent or guardian, and shall return the said book to the clerk of the municipality with the assessment roll for the use of the truant officer and others. R.S.O. 1897, c. 224, s. 17 (1).

30. The assessors of every municipality shall make an annual census of all the children in the municipality between the ages of five and sixteen years and between the ages of five and twenty-one years. The clerk shall report such census to the public school inspector and to the secretary of the board of education or trustees. In the case of townships the clerk shall report to the inspector of the division and to the secretary of each school section. R.S.O. 1897, c. 224, s. 17 (2), amended. See 1 Edw. VII. c. 39, ss. 12 (3), 65 (3); s. 22, cols. 24, 25.

INFORMATION TO ASSESSORS.

31.—(1) The Commissioner of Crown Lands shall, in the month of February in every year, transmit to the treasurer of every county, city or town a list of all the land within the county, city or town patented, located as free grants, sold or agreed to be sold by the Crown, or leased, or appointed to any person, or in respect of which a license of occupation issued during the preceding year. R.S.O. 1897, c. 224, s. 150, amended.

(2) The county treasurer shall furnish to the clerk of each municipality in the county a copy of the said lists, so far as regards lands in such municipality, and such clerk shall furnish the assessors respectively with a statement showing what lands in the said annual list are liable to assessment within such assessor's assessment district. R.S.O. 1897, c. 224, s. 151.

[See *The Registry Act* R.S.O. 1897, c. 136, s. 125, requiring Registrars upon request of the clerk of a municipality or Assessment Commissioner to furnish lists of transfers of land.]

MODE OF ASSESSMENT OF LAND.

32. Except as hereinafter provided for land shall be assessed in the municipality in which it lies, and in the case of cities and towns in the ward in which it lies. See 2 Edw. VII., c. 31, s. 1, first part.

Owner occupying Land.

33.—(1) Land occupied by the owner shall be assessed against him. See R.S.O. 1897, c. 224, s. 19.

Land where assessed.

Resident Owner of unoccupied Land.

(2) Unoccupied land the owner of which is resident in the municipality, shall be assessed against him. See R.S.O. 1897, c. 224, s. 20.

Unoccupied land of resident.

Resident Owner, Land occupied by Tenant.

(3) Land owned by a resident in the municipality and occupied by any person other than the owner shall be assessed against the owner and the tenant. See R.S.O. 1897, c. 224, s. 20.

Non-resident Owner, Land occupied by Tenant.

Occupied land owned by non-resident.

(4) Occupied land owned by a person who is not a resident in the municipality shall be assessed against the owner if known, and against the tenant. See R. S. O., 1897, c. 224, ss. 20, 21.

Non-resident Owner, Land unoccupied.

Unoccupied land of non-resident in cities, towns or villages.

(5) In cities, towns and villages unoccupied land owned by non-residents shall be assessed in the same manner as the land of residents; and where the name of the owner cannot be ascertained, the assessor shall insert the word "non-resident" in the column in the assessment roll for the name of the owner opposite the description of the land. *New.*

Unoccupied land of non-resident in townships.

(6) In townships unoccupied land shall be denominated "lands of non-residents" unless the owner thereof resides or has a place of business in the municipality where the land is situate, or gives notice in writing setting forth his full name, place of residence and post office address, to the clerk of the municipality, on or before the 20th day of April in any year that he owns such land, describing it, and requires his name to be entered on the assessment roll therefor; which notice may be in the form or to the effect of Schedule D to this Act; and the clerk of the municipality shall, on or before the 25th day of April in each year, make up and deliver to the assessor a list of the persons requiring their names to be entered on the roll and of the lands owned by them. R.S.O., 1897, c. 224, s. 3, *amended.*

Record of non-residents' notices.

(7) The clerk of the municipality shall keep in a book a record of such notices, and they shall stand until revoked. *New.*

Rights of appeal of non-residence not named in roll.

(8) Where the name of the owner of unoccupied land has not been entered upon the assessment roll in respect thereof by the assessor, such owner or his agent shall be entitled,—

- (a) To apply to the Court of Revision to have the same so entered whether the notice in sub-section 6 has or has not been given, and the Court may order the name to be entered notwithstanding that such notice has not been given or has not been given by the time in the said sub-section provided;
- (b) Within the time allowed by law for other applications in that behalf, to apply to the Judge to have the name of the owner entered upon the assessment roll and the voters' lists, whether such notice has or has not been given; and the judge may direct that the same be so entered as provided in section 40 of *The Ontario Voters' Lists Act*, notwithstanding that such notice has not been given or has not been given by the time in sub-section 6 provided. R. S. O., 1897, c. 224, s. 4 *amended,*

Several Owners of undivided shares, some non-resident.

(9) Where land is owned by more persons than one, and any <sup>Joint owners,
---resident and
non-resident.</sup> one of the owners is not resident in the municipality :—

- (a) If the land is occupied by any person other than the owners, it shall be assessed against the tenant and against such of the owners as are known: and
- (b) If occupied by any of the owners, or if unoccupied, it shall be assessed against all the owners who are known. See R. S. O., 1897, c. 224, s. 25 (1).

Tenant of Non-Residents' Lands, when considered Owner.

(10) Where land is assessed against a tenant under either of the above subsections 4 or 9, the tenant, for the purpose of <sup>Tenant when
to be deemed
owner.</sup> imposing and collecting taxes upon and from the land, shall be deemed to be the owner. See R. S. O., 1897, c. 224, s. 22.

Married Woman Owner, whether resident or non-resident.

(11) Where a married woman, whether resident or non-resident in the municipality, is assessed as owner, the name of her husband shall also be entered in the roll as an owner. <sup>Married
woman---
when husband
to be assessed
as owner.</sup> And where the property is assessed for a sum sufficient to entitle a sole owner, but insufficient to entitle two joint owners of the property to vote at municipal elections, the letter "O" shall be inserted in column 4 of the assessment roll after the name of the husband who shall be entitled to be entered on the voters' list as the owner of the property. R. S. O., 1897, c. 224, s. 19, amended.

Trustees, Guardians, Executors, etc.

(12) Land held by a trustee, guardian, executor or administrator shall be assessed against him as owner or tenant thereof, as the case may require, in the same manner as if he did not hold the land in a representative capacity; but the fact that he is a trustee, guardian, executor or administrator shall, if known, be stated in column 5 of the roll. Provided, however, that such trustee, guardian, executor or administrator shall only be personally liable when and to such extent as he has property as such trustee, guardian, executor or administrator, available for payment of such taxes. (New). R. S. O. 1897, c. 224, s. 46; 63 V., c. 34, s. 3.

Land of Railway Companies, etc.

34. The real estate of any transportation or transmission company shall be considered as land of a resident in the municipality although the company has not an office in the municipality. R. S. O. 1897, c. 224, s. 5, amended.

Land in which the Crown has an interest.

Assessment of land in which the Crown has an interest.

35. The owner of any land in which the Crown has an interest, and the tenant of any such land (except a tenant occupying the same in an official capacity under the Crown) shall be assessed in respect of the land in the same way as if the interest of the Crown was held by any other person; and the interest of every person other than the Crown in such land, shall be subject to the charge thereon given by section 89 and shall be liable to be sold under the provisions of this Act for arrears of taxes accrued against the land. *New. See R. S. O. 1897, c. 224, ss. 7 (2), and 23.*

VALUATION OF LANDS.

Valuation of land.

36—(1) Except in the case of mineral lands hereinafter provided for real property shall be assessed at its actual value. R.S.O. 1897, c. 224, s. 28 (1), amended.

Buildings.

(2) In assessing land having any buildings thereon, the value of the land and buildings shall be ascertained separately, and shall be set down separately in columns 13 and 14 of the assessment roll and the assessment shall be the sum of such values. The value of the buildings shall be the amount by which the value of the land is thereby increased. *New.*

Mineral lands.

(3) In estimating the value of mineral lands, such lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighbourhood for agricultural purposes, but the income derived from any mine or mineral work shall be subject to taxation in the same manner as other incomes under this Act. R.S.O. 1897, c. 224, s. 28 (2).

Assessment of toll roads.

37. Plank, gravel, macadamized or other toll roads not owned by any municipal corporation shall be assessed as real estate in the municipality in which the same are situate; and in making the assessment the assessor shall take into consideration the value of (1) the land occupied by the road, (2) the materials employed in the superstructure, (3) toll houses, buildings and gates on the road, (4) quarries and gravel pits and roads to and from such places, and used in connection therewith; but this section shall not include bridges 100 feet in length or over, and the approaches thereto, which are on or along such toll road and which are used therewith. R.S.O. 1897, c. 224, s. 32.

Toll roads not owned by municipalities.

38. Every toll road owned by any person or corporation other than a municipal corporation, upon which any toll is established, whether leased to a tenant or not, shall be assessed in the municipality in which the same is situate and where the road extends or runs into or through more municipalities than one, each municipality shall assess that part thereof which

which lies within its limits, and according to the value of that part, whether a toll gate or bar is or is not upon the road in the municipality. R.S.O., 1897, c. 224, s. 33.

39.—(1) In any town or village in which there are lands held and used as farm lands only, and in blocks of not less than five acres, by any one person, such lands shall be assessed as farm lands. Assessment of farm lands in towns and villages, etc.

- (a) Subject to the other subsections of this section, such assessment shall be on the principles provided by section 40 for cases under that section.
- (b) This section and section 40 shall apply whether the lands assessed have or have not been divided into building lots.

(2) Where such lands are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of such town or village shall annually at least two months before striking the rate of taxation for the year, pass a by-law declaring what part of the said lands so held and used as farm lands only, shall be exempt or partly exempt from taxation for the expenditure of the municipality incurred for water works, whether for domestic use or for fire protection or both, the making of sidewalks, the construction of sewers or the lighting and watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such improvements, or any of them. Exemption of farm lands in towns and villages from assessment for certain improvements.

- (a) Nothing in this subsection contained shall exempt or relieve any lands therein mentioned from the general rate for the payment of any debenture debt contracted before the 14th day of April, 1892, or renewed since the said date in whole or in part. Proviso.

(3) Any person claiming such exemption in whole or in part shall notify the council of the municipality thereof within one month after the time fixed by law for the return of the assessment roll, and shall by some intelligible description indicate the land and quantity as nearly as may be in respect of which exemption is claimed. Persons claiming exemption to notify council.

(4) Any person complaining that the said by-law does not exempt or sufficiently exempt him or his said farm lands from taxation as aforesaid, may within 14 days after the passing thereof notify the clerk of the municipality of the intention to appeal against the provisions of such by-law or any of them to the Judge of the County Court who shall have full power to alter Appeal from by-laws to county judge.

alter or vary any or all of the provisions of the said by-law and determine the matter of complaint in accordance with the spirit and intent of the provisions of this section.

Procedure upon appeals to County Judge.

(5) The provisions relating to appeals from a Court of Revision to the County Judge and to the amendment of the assessment roll thereon, shall, so far as applicable, regulate and govern the procedure to be followed upon appeals to the County Judge under this section and the amendment of the by-law thereon.

Appeals from Court of Revision not affected.

(6) Nothing in the last two preceding sub-sections contained, shall be deemed to prevent or affect the right of appeal to the County Judge from the decision of a Court of Revision upon any appeal against an assessment. R. S. O. 1897, c. 224, s. 8.

What shall be deemed vacant land, and how its value shall be calculated in cities, etc.

40.—(1) In assessing vacant ground, or ground used as a farm, garden, or nursery, and not in immediate demand for building purposes, in cities, towns, or villages, whether incorporated or not, the value of such vacant or other ground shall be that at which sales of it can be freely made, and where no sales can be reasonably expected during the current year, the assessors shall, where the extent of such ground exceeds two acres in cities and ten acres in towns and villages, value such land as though it was held for farming or gardening purposes, with such percentage added thereto as the situation of the land reasonably calls for.

How entered on roll.

(2) Such vacant land, though surveyed into building lots, if unsold as such, may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block, or by the number of the lot and concession of the township in which the same is situated, as the case may be.

Assessment thereof.

(3) In such case, the number and description of each lot, comprising each such block shall be inserted in the assessment roll; and each lot shall be liable for a proportionate share as to value, and the amount of the taxes, if the property is sold for arrears of taxes. R. S. O. 1897, c. 224, s. 29.

Where not held for sale, but for a park, pleasure ground, etc.

41. Where ground is not held for the purpose of sale, but is *bona fide* enclosed and used in connection with a residence or building as a paddock, park, lawn, garden or pleasure ground, it shall be assessed therewith, at a valuation which, at six per centum, would yield a sum equal to the annual rental which, in the judgment of the assessors, it is fairly and reasonably worth for the purposes for which it is used, reference being always had to its position and local advantages, unless by by-law the council requires the same to be assessed like other ground. R. S. O. 1897, c. 224, s. 30. (1).

42.—(1) The property by clause (e) of paragraph 7 of section 2 of this Act declared to be "land" within the meaning of this Act, owned by companies or persons supplying water, heat, light and power to municipalities and the inhabitants thereof, and companies, and persons operating tramways, street railways and electric railways shall, in a municipality divided into wards, be assessed in the ward in which the head office of such company or person is situate, if such head office is situated in such municipality, but if the head office of such company or person is not in such municipality then the assessment may be in any ward thereof. 3 Edw. VII., c. 21, s. 6, amended.

(2) In assessing such property whether situate or not situate upon a highway, street, road, lane or other public place the same shall when and so long as in actual use be assessed at its actual cash value as the same would be appraised upon a sale to another company or person possessing similar powers, rights and franchises in and from the municipality and subject to similar conditions and burdens, regard being had to all circumstances adversely affecting the value of such property including the non-user of any of the same. See 2 Edw. VII., c. 31, s. 1 (3); 3 Edw. VII., c. 21, s. 7 (2).

International and Intermunicipal Bridges.

43.—(1) In the case of any bridge liable to assessment which belongs to or is in the possession of any person or incorporated company, and which crosses any river forming the boundary between the Province of Ontario and any other country or province, the part of such structure within Ontario shall be valued as an integral part of the whole and on the basis of the valuation of the whole, and at its actual cash value as the same would be appraised upon a sale to another company possessing similar powers, rights and franchises and subject to similar conditions and burdens but subject to the provisions and basis of assessment set forth in subsection 2 of section 42 of this Act.

(2) Any bridge belonging to or in possession of any person or company between two municipalities in the Province shall be valued as an integral part of the whole and on the basis of the valuation of the whole. 2 Edw. VII., c. 31, s. 1 (5), amended.

Railways.

44.—(1) Every steam railway company shall annually transmit on or before the first day of February to the clerk of every municipality in which any part of the roadway or other real property of the company is situated, a statement showing:—

- (a) The quantity of land occupied by the roadway, and the actual value thereof (according to the average value of land in the locality) as rated on the assessment roll of the previous year;
- (b) The vacant land not in actual use by the company and the value thereof;
- (c)

- (c) The quantity of land occupied by the railway and being part of a highway, street, road or other public land (but not being a highway, street or road which is merely crossed by the line of railway) and the assessable value as hereinafter mentioned of all the property belonging to or used by the company upon, in, over, under, or affixed to the same ;
- (d) The real property, other than aforesaid, in actual use and occupation by the company, and its assessable value as hereinafter mentioned ;

and the clerk of the municipality shall communicate such statement to the assessor. R.S.O. 1897, c. 224, s. 31, *amended*.

Assessment of railway land. (2) The assessor shall assess the land and property aforesaid as follows :

- (a) The roadway or right of way at the actual value thereof according to the average value of land in the locality ; but not including the structures, substructures and superstructures, rails, ties, poles and other property thereon ;
- (b) The said vacant land, at its value as other vacant lands are assessed under this Act ;
- (c) The structures, substructures, superstructures, rails, ties, poles and other property belonging to or used by the company (not including rolling stock and not including tunnels or bridges in, over, under or forming part of any highway) upon, in, over, under, or affixed to any highway, street, or road (not being a highway, street or road merely crossed by the line of railway) at their actual cash value as the same would be appraised upon a sale to another company possessing similar powers, rights and franchises, regard being had to all circumstances adversely affecting the value including the non-user of any such property ; and
- (d) The real property not designated in clauses (a), (b) and (c) of this subsection in actual use and occupation by the company, at its actual cash value as the same would be appraised upon a sale to another company possessing similar powers, rights and franchises. *New.*

but the telephone and telegraph plant, poles and wires which are used exclusively in running trains or for any other purposes of a steam railway and not for commercial purposes shall, as heretofore, be exempt from municipal assessment or taxation. 2 Edw. VII., c. 31, s. 1, *part, amended*.

(3) The assessor shall deliver at, or transmit by post to, any station or office of the company a notice, addressed to the company, of the total amount at which he has assessed the said land and property of the company in his municipality or ward showing the amount for each description of property mentioned in the above statement of the company ; and such statement and notice respectively shall be held to be the assessment return and notice of assessment required by sections 18 and 46 respectively of this Act. R. S. O. 1897, c. 224, s. 31, *last part amended.*

(4) A railway company assessed under this section shall be exempt from assessment in any other manner for municipal purposes except for local improvements. *New.*

45. When an assessment has been made under the provisions of section 44 the amount thereof in the roll as finally revised and corrected for that year shall be the amount for which the company shall be assessed for the next following four years in respect of the land and property included in such assessment ; but at any time before the return of the assessment roll, in any year the said amount may be reduced by deducting therefrom the value of any land or property included in such assessment which has ceased to belong to the company, and a further assessment may be made of any additional land or property of the company not included in such assessment. *New.*

NOTICE OF ASSESSMENT.

46.—(1) The assessor, or his assistant, before the completion of the assessment roll for the municipality, or ward, as the case may be, shall, in manner hereinafter provided, leave for or transmit to every person named in the roll, a notice, according to the form given in Schedule F to this Act, of the sum or sums for which such person has been assessed, and the other particulars in Schedule F mentioned, and shall enter, in the roll opposite the name of the person, the date of delivering or transmitting such notice, and the entry shall be *prima facie* evidence of such delivery or transmission.

(2) If the person resides or has a place of business in the municipality, the notice shall be left at his residence or place of business.

(3) If the person is not resident in the municipality, the notice shall be transmitted by post to his address, if known.

(4) If the address of the person is not known the notice shall be left with some grown up person on the assessed premises, if there is any such person there resident. *See R. S. O., 1897, c. 224, ss. 51 (1), 71 (10), (11).*

(5) In any city the notice may be served upon a person resident or having a place of business within the municipality, either personally or by leaving such notice in the office or place of business of such person in the municipality; and where such office or place of business is situate in any public building, or in any building the apartments of which are occupied by different persons as places of business, the notice may be left with the person assessed, or in his absence, with some person employed in the particular office in which the person named in the notice is engaged, or, if there be no such person, the notice may be left in the particular office in which the person assessed is employed or engaged. R.S.O. 1897, c. 224, s. 52, amended.

(6) In case any person assessed furnishes the assessment commissioner, or if none, the clerk with a notice in writing giving an address to which the notice of assessment may be transmitted to him, and requesting that the same be transmitted to such address by registered letter, the notice of assessment shall be so transmitted; and any notice so given to the assessment commissioner or clerk, as the case may be, shall stand until revoked in writing. *New.*

(7) Nothing in the preceding sub-sections contained shall be deemed to require the assessor to give, leave or transmit any notice to any person entered upon the assessment roll as a farmer's son. R.S.O. 1897, c. 224, s. 51 (2), amended.

Time for Completion of Roll.

When assessment roll to be completed.

47.—(1) Subject to the provisions of sections 53 to 56 inclusive, every assessor shall begin to make his roll in each year not later than the 15th day of February, and shall complete the same on or before the 30th day of April, and, in municipalities not having an assessment commissioner, the assessor shall attach thereto his affidavit or solemn affirmation, and, in municipalities having an assessment commissioner, the assessment commissioner, or his assistant, as the case may require, shall attach thereto his affidavit or solemn affirmation.

Form of affidavit.

(2) The affidavit or affirmation may be according to the form given in Schedule G to this Act, and may be made before the clerk of the municipality or a Justice of the Peace having jurisdiction in the municipality, or a commissioner for taking affidavits in the county, or a notary public for the Province. R.S.O. 1897, c. 224, s. 55, amended.

Assessment roll to be delivered to clerk of the municipality.

(3) Subject to the provisions of sections 53 to 56 inclusive, every assessor shall, on or before the thirtieth day of April, deliver to the clerk of the municipality the assessment roll, completed and added up, with the affidavits attached; and the clerk shall immediately upon the receipt of the roll, file it in his office, and it shall, at all convenient office hours, be open to the inspection of all persons requiring to inspect the same. R.S.O. 1897, c. 224, s. 56, amended. (*See sections 194 and 197.*)

Correction of Errors.

48. Notwithstanding the delivery or transmission of any notice provided for by section 46, the assessor, at any time before the time fixed for the return of the assessment roll may correct any error in any assessment and alter the roll accordingly; and he shall do so upon notice being given to him of any error; and, upon so correcting or altering any assessment he shall deliver or transmit to the person assessed an amended notice. *New.*

Correction of errors in roll by assessor.

49. In cities where the assessment is made by wards, in case any person removes from a ward before having been assessed therein into a ward for which the assessment roll has been completed, the assessor for the last mentioned ward may at any time before the 30th day of September amend the roll by entering therein the assessment of such person, and shall forthwith give to him the notice of assessment provided for by section 46; and the person so assessed shall be entitled to appeal to the County Judge from the assessment within ten days from the time of giving such notice. *New.*

Amendment of roll for ward in cities after completion cf.

50. It shall be the duty of the clerk to report to the Court of Revision the facts and particulars as to any errors or omissions in the assessment roll of which he may from time to time become aware; and the Court of Revision shall thereupon take such steps as the Court shall deem advisable and necessary to cause such corrections to be made in the roll, and shall give such notices to persons interested as such corrections may render necessary. *New.*

Clerk to report errors or omissions in roll to court of revision.

51. If at any time it appears to any treasurer or other officer of the municipality that land liable to assessment has not been assessed for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk of the municipality in any other manner, he shall enter such land on the next collector's roll, or roll for non-residents, as the case may require, as well for the arrears of the preceding year or years, if any, as for the tax of the current year; and the valuation of the land shall be the average of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor, for the current year, to value the land and it shall be the duty of the assessor to do so, when required, and to certify the valuation, in writing, to the clerk; and the owner of the land shall have the right to appeal, as provided in section 112. R.S.O. 1897, c. 224, s. 166. *amended.*

Correction of omission to assess land.

Inquiries to prevent creation of false Votes.

Assessor to make inquiries so as to prevent creation of false votes.

52.—(1) To prevent the creation of false votes, where a person claims to be assessed, or to be entered or named in any assessment roll, or claims that another person should be assessed, or entered or named in such assessment roll, as entitled to be a voter, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, or to be entered or named in the roll as so entitled to be a voter, it shall be the duty of the assessor to make reasonable inquiries before assessing, entering or naming any such person in the assessment roll.

Persons entitled to be assessed, etc., to be entered on roll without request.

(2) Any person entitled to be assessed or to have his name inserted or entered in the assessment roll of a municipality, shall be so assessed, or shall have his name so inserted or entered, without any request in that behalf; and a person entitled to have his name so inserted or entered in the assessment roll, or in the list of voters based thereon, or to be a voter in the municipality, shall, in order to have the name of any other person entered or inserted in the assessment roll or list of voters as the case may be, have for all purposes the same right to apply, complain or appeal to a Court or a Judge in that behalf as such other person would or can have personally, unless such other person actually dissents therefrom.

Penalty for causing improper entries on roll.

(3) Any person who wilfully and improperly inserts or procures or causes the insertion of the name of a person in the assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent in any such case to give to a person not entitled thereto either the right or an apparent right to be a voter, or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of the name of a person from the assessment roll, or assesses or procures or causes the assessment of a person at too low an amount, with intent in any such case to deprive any person of his right to be a voter, shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding \$200, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court.

"Voter," meaning of Rev. Stat. c.7.

(4) The word "Voter" in this section shall have the meaning given thereto by *The Ontario Voters' Lists Act.* R.S.O. 1897, c. 224, s. 57.

Special provisions (applicable in Cities, Towns and Villages.)

Time for taking the assessment and revising the rolls in cities, etc.

53.—(1) In cities, towns and villages, the council, instead of being bound by the periods above mentioned for taking the assessment, and by the periods named for the revision of the rolls

rolls by the Court of Revision, and by the County Judge, may pass by-laws for regulating the above periods, as follows, that is to say:—For taking the assessment between the 1st day of July and the 30th day of September, the rolls being returnable in such case to the city, town or village clerk on the 1st day of October; and in such case the time for closing the Court of Revision shall be the 15th day of November, and for final return by the Judge of the County Court the 15th day of December; and the assessment so made and concluded may be adopted by the council of the following year as the assessment on which the rate of taxation for said following year shall be fixed and levied; and the taxes for such following year shall in such case be fixed and levied upon such assessment: Provided nevertheless, that in cities the assessment may be made between the 1st day of May and the 30th day of September. R.S.O. 1897, c. 224, s. 58 (1); 62 V. (2) c. 27, s. 3; 1 Edw. VII., c. 29, s. 3. *amended.*

(2) Where there has, from any cause, been delay in so completing the final revision of the said roll beyond the said 15th day of December, the council may notwithstanding adopt the assessment when finally revised, as the assessment on which the rate of taxation for the said following year shall be levied. R.S.O. 1897, c. 224, s. 58 (2); 1 Edw. VII., c. 29, s. 4.

(3) In case the council deem it advisable to adopt the provisions of this section in any year for which there has been an assessment made under the previous sections of this Act, the council instead of making a second assessment in the same year may pass a by-law adopting the assessment roll previously made and revised in such year, and such assessment roll shall be subject to revision in the manner provided by sub-section 1 of this section, and shall have the same effect as an assessment made under said sub-section 1. R.S.O. 1897, c. 224, s. 58 (4).

54.—(1) The council of any city instead of proceeding in the manner set forth in section 53 of this Act, may by law, from time to time, provide for making the assessment at any time prior to the 30th day of September, and may fix prior and separate dates for the return of the roll of each ward, or each sub-division of a ward, as defined in the by-law. R.S.O. 1897, c. 224, s. 59 (1), *amended.*

(2) Any such by-law shall also provide for holding a Court of Revision for hearing appeals from the assessments in each ward or sub-division, in the manner provided by this Act, upon the return of the assessment roll for such ward or sub-division. R.S.O. 1897, c. 224, s. 59 (2).

(3) The County Judge may sit from time to time throughout the year, for the purpose of hearing appeals from the Court of Revision upon the determination of appeals made to the Court with respect to each roll; and the time for appeal to the Court of Revision shall be within ten days after the last day

Council passing by-law for taking assessment between 1st July and 1st October, may act for that year on assessment already made.

Taking assessment by wards or sub divisions in cities.

By-law to fix time for hearing appeals to court of revision.

Appeals to County Judge.

day fixed for the return of the roll for each ward or sub-division of a ward; and the time for appealing from the Court of Revision to the County Judge shall be within three days after the decision of the Court of Revision is given. R.S.O. 1897, c. 224, s. 59 (3), amended.

When revision by Judge to take place and be completed.

(4) The Judge shall arrange to hear all such appeals from time to time throughout the year, within ten days after the sitting of the Court of Revision for each ward or sub-division of a ward, and shall complete his revision of the last of such rolls for the city by the 20th day of October, in each year. R.S.O. 1897, c. 224, s. 59 (4).

Adoption of assessment for following year.

(5) The assessment so made and completed may be adopted by the council of the following year as the assessment on which the rate of taxation for such following year shall be fixed and levied and the taxes for such following year shall in such case be fixed and levied upon the said assessment. R.S.O. 1897, c. 224, s. 59 (5) amended.

When rolls not completed by 20th October.

(6) If from any cause the final revision of the rolls for all the wards or sub-divisions in the city has not been completed by the 20th day of October, the council may adopt the assessment, when finally revised, as the assessment upon which the taxes for the following year shall be levied.

Time for giving notice, etc.

(7) In any city in which any by-law has been passed under this section, the provisions of sections 65 and 68 of this Act, so far as the same relate to the time for appealing and giving notice thereof, shall not apply, but the clerk shall give notice to every person appealing, or whose assessment or non-assessment is appealed against, at least five days before the sitting of the Court of Revision, such notice to be served upon such person, or left at his residence or place of business, or upon the premises concerning which such appeal arises, or addressed to such person through the post-office, but no advertisement of the Court shall be necessary; and in case of appeals to the County Judge, five days' notice of the day fixed by the County Judge for hearing such appeals shall be served in the manner provided in the case of appeals to the Court of Revision.

Application of ss. 65 and 68.

(8) The provisions of the said sections 65 and 68, so far as the same are not inconsistent with the provisions of this section, shall apply to appeals made hereunder. R.S.O. 1897, c. 224, s. 59, (6), (7), (8).

Assessment of localities added to cities and towns.

55.—Where an addition of any part of the localities adjacent to any city or town has been made to said city or town, in any year subsequent to the 30th day of September, under the provisions of section 24 of *The Consolidated Municipal Act*, 1903, the council of said city or town may pass a by-law in the succeeding year, adopting the assessment of the said addition as last revised while a part of the adjoining municipality

municipality, as the basis of the assessment for said part for that year, although the assessment of the remainder of the city or town has been made, and the rate of taxation has been levied in accordance with the preceding provisions of this section; and the levying of a proportionate share of the taxation upon said addition shall not invalidate either the assessment of the remainder or the tax levied thereon; and the qualification of municipal voters in said addition shall, for the said succeeding year, be the same as that required in the municipality from which the part has been taken. R.S.O. 1897, c. 224, s. 58 (3).

Special Provisions applicable to Counties.

56—(1) County councils may pass by-laws for taking the assessment in towns, townships and villages between the 1st day of February and the 1st day of July.

County coun-
cils may regu-
late time for
taking assess-
ment.

(2) If such by-law extends the time for making and completing the assessment rolls beyond the 1st day of May, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and the time for final return in case of an appeal shall be twelve weeks from that day. R.S.O. 1897, c. 224, s. 61.

COURT OF REVISION.

In Cities.

57—(1) In every city the Court of Revision shall consist of three members, one of whom shall be appointed by the city council, and one by the Mayor, and the third shall be the Official Arbitrator appointed for the city under *The Municipal Arbitrations Act*, and in the case of cities where there is no Official Arbitrator, or where such Official Arbitrator is a Judge or Junior Judge of the county in which the city is situated, the Sheriff of the county shall be the third member. R. S. O. 1897, c. 224, s. 62 (1); 1 Edw. VII., c. 29, s. 5.

Court of
Revision in
cities, how
constituted.

Rev. Stat.,
c. 227.

(2) In cities having a population of 100,000 or more, each member of such Court of Revision shall be paid such sum per annum for his services as the Council may by by-law or resolution provide; and in cities having a population of 30,000 or more, but less than 100,000, each member of such Court shall be paid at the rate of not more than \$300 per annum, and in other cities each member shall be paid such sum per annum as the council may by by-law or resolution provide. R. S. O. 1897, c. 224, s. 62 (2); 63 V., c. 34, s. 5.

Remuneration
of members.

(3) No member of the city council, and no officer or employee of the city corporation shall be a member of the Court of Revision.

Certain per-
sons disquali-
fied.

Appointment
of members.

(4) The appointed members of such Court of Revision shall hold office until their successors are appointed, but the mayor or council may each or either of them, after the organization of a new council and before the 1st day of March in any year, appoint a member of such Court of Revision in place of any member appointed by the mayor or council in a preceding year.

Quorum.

(5) Two members of any Court of Revision under this section shall form a quorum, and upon the death or resignation of any member of any such Court, a successor shall immediately thereafter be appointed by the authority which appointed the member so dying or resigning. In case of a vacancy in the office of Sheriff, or if the Sheriff is unable to act from any cause in cities where there is no Official Arbitrator, the Registrar of Deeds for the county or registry division of the county whose office is in such city, shall act as the third member of the court during such vacancy or inability of the Sheriff to act. R.S.O. 1897, c. 224, s. 62 (3-5).

Filling
vacancies.

Where council
consists of five
members only.

58.—(1) In municipalities other than cities, if the council of the municipality consists of not more than five members, such five members shall be the Court of Revision for the municipality.

Where of
more than
five.

(2) If the council consists of more than five members, it shall appoint five of its members to be the Court of Revision. R.S.O. 1897, c. 224, s. 63.

Oath of mem-
bers of Court
of Revision.

(3) Every member of the Court of Revision before entering upon his duties, shall take and subscribe, before the clerk of the municipality, the following oath (or affirmation in cases where, by law, affirmation is allowed) :—

“I, _____, do solemnly swear (or affirm) that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals of the Court of Revision, which may be brought before me for trial as a member of said Court.”

R.S.O. 1897, c. 224, s. 64.

Quorum.

59. Three members of the Court of Revision shall be a quorum; and a majority of a quorum may decide all questions before the Court. But no member shall act when an appeal is being heard respecting any property in which he is directly or indirectly interested. R.S.O. 1897, c. 224, s. 65, *amended*.

Who to be
clerk.
Record of
decision.

60. The clerk of the municipality shall be the clerk of the Court, and shall keep in a book a record of the proceedings and decisions of the Court, which shall be certified by the chairman of the Court. R.S.O. 1897, c. 224, s. 66, *amended*.

Meetings of
Court.

61. The Court may meet and adjourn, from time to time, at pleasure, or may be summoned to meet at any time by the head

head of the municipality; but the first sitting shall not be held until after the expiration of at least ten days from the expiration of the time within which notice of appeals may be given to the clerk of the municipality. R.S.O. 1897, c. 224, s. 67.

62. At the time or times appointed, the Court shall meet ^{Court to try all complaints, etc.} and try all complaints in regard to persons wrongly placed upon or omitted from the roll, or assessed at too high or too low a sum. R.S.O. 1897, c. 224, s. 68.

63. The Court, or some member thereof, may administer ^{May administer oaths, etc.} an oath to any party or witness, before his evidence is taken, and may issue a summons to any witness to attend such Court. R.S.O. 1897, c. 224, s. 69.

64. If a person summoned to attend the Court of Revision or before a County Judge under the provisions of this Act as a witness fails, without good and sufficient reason, to attend, having first been tendered compensation for his time at the rate of 75 cents per day and his proper travelling expenses if he resides more than three miles from the place of trial, or if having attended, or being present in court, he refuses to be sworn, if required to give evidence, he shall incur a penalty of not more than \$25 to be recoverable with costs by and to the use of any person suing for the same either ^{by} suit in a Division Court or in any way in which penalties incurred under any by-law of the municipality may be recovered. R.S.O. 1897, c. 224, s. 70.

Proceedings for the Trial of Complaints.

65.—(1) Any person complaining of an error or omission in regard to himself, as having been wrongly inserted in or omitted from the roll, or as having been undercharged or overcharged by the assessor in the roll may personally, or by his agent give notice in writing to the clerk of the municipality, (or assessment commissioner, if any there be), that he considers himself aggrieved for any or all of the causes aforesaid, and shall give a name and address where notices can be served by the clerk as hereinafter provided.

(2) The notice shall be given to the clerk (or assessment commissioner, if any there be), within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the same is not returned within the time fixed for that purpose.

(3) If a municipal elector thinks that any person has been assessed too low or too high, or has been wrongly inserted in or omitted from the roll, he may, within the time limited by the preceding subsection, give notice in writing to the clerk of the municipality, (or assessment commissioner, if any

any there be), and the clerk shall give notice to such person and to the assessor, of the time when the matter will be tried by the Court of Revision; and the matter shall be decided in the same manner as complaints by a person assessed.

Clerk to give notice by posting up list.

(4) The clerk of the Court shall post up in some convenient and public place within the municipality or ward, a list of all complainants, on their own behalf, against the assessors' return, and of all complainants on account of the assessment of other persons, stating the names of each, with a concise description of the matter complained against, together with an announcement of the time when the Court will be held to hear the complaints.

(5) No alteration shall be made in the roll unless under a complaint formally made according to the above provisions. R.S.O. 1897, c. 224, s. 71, (1), (2), (3), (4).

Order of hearing appeals.

(6) The clerk of the Court shall enter the appeals on the list, in the alphabetical order of the names of the appellants and the Court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal. R.S.O. 1897, c. 224, s. 71 (5), amended.

Postponement.

(7) Such list may be in the following form:

Appeals to be heard at the Court of Revision to be held at
on the day of , 19 .

Appellant.	Respecting whom.	Matter complained of.
A. B.	Self	Overcharged on land.
C. D.	E. F.	Name omitted.
G. H.	J. K.	Not bona fide owner or tenant.
L. M. &c.	Self	Income overcharged.

R.S.O. 1897, c. 224, s. 71 (6), amended.

Clerk to advertise settings of Court.

(8) The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest municipality in which one is published, the time at which the Court will hold its first sitting for the year, and the advertisement shall be published at least ten days before the time of such first sittings. R.S.O. 1897, c. 224, s. 71 (7).

to leave a list with assessor,

(9) The clerk shall also cause to be left at the residence or office of each assessor, a list of all the complaints respecting his roll. R.S.O. 1897, c. 224, s. 71 (8), amended.

and prepare notice to parties concerned.

(10) The clerk shall prepare a notice according to the form following for each person with respect to whom a complaint has been made:—

Take

Take notice that the Court of Revision will sit at day of in the matter of the following appeal.

on the

Appellant

Subject—(That you are not the *bona fide* owner or tenant (or are ever charged in assessment on (as the case may be)

(Signed) X. Y.
Clerk

To J. K. or J. S.

and he shall also notify each person who has made a complaint of the date of the sittings of the Court. R.S.O. 1897, c. 224, s. 71 (9), amended.

(11) If the person resides or has a place of business in the municipality, the clerk shall cause the notice to be left at the person's residence or place of business. Service to be at residence or place of business in municipality.

(12) If the person is not known, then the notice shall be left with some grown up person on the assessed premises, if there is any such person there resident; or if the person is not resident in the municipality, then the notice shall be addressed to such person through the post office. R.S.O. 1897, c. 224, s. 71 (10-11). How absentees served.

(13) Every notice hereby required whether by publication, advertisement, letter, or otherwise shall be completed at least six days before the sitting of the Court, and the clerk shall certify to the Court, at the first day of its sitting, the notices which have been so completed. R.S.O. 1897, c. 224, s. 71 (12), amended. When notice to be completed.

(14) Where necessary, the clerk of the municipality may, at the cost of the municipality, call to his aid such assistance as may be required to effect the services which he is required by law to make, and in the event of his failure to effect such services in time for the first sitting of the Court, the Court in its discretion, may appoint an adjourned sitting, for the purpose of hearing the appeals for which the services were not effected in time for the first day, and the proper services shall be made for such adjourned day. R.S.O. 1897, c. 224, s. 71 (13). Clerk may require assistance in making services. Power to adjourn.

(15) If the person assessed complains of an overcharge on his taxable income, he or his agent may appear before the Court and make a declaration, in case the complainant appears in person, in the form of Schedule I to this Act, and if the complainant appears by agent, such agent may make the declaration in the form of Schedule J; and the Court shall thereupon enter the person assessed at such an amount of taxable income as is specified in such declaration, unless the Court is dissatisfied with the declaration, in which case the person making the declaration, and any witnesses whom it may be desirable to examine, may be examined on oath by the Court, respecting the correctness of such declaration; and the Court shall confirm, alter or amend the roll as the evidence seems to warrant. R.S.O. 1897, c. 224, s. 71 (14), amended. Proceedings when person assessed complains of overcharge. Effect of declaration.

Proceedings in other cases. (16) In other cases, the Court, after hearing the complainant, and the assessor, or assessors, and any evidence adduced, and, if deemed desirable, the person complained against, shall determine the matter, and confirm or amend the roll accordingly. And the Court may, in determining the value at which any land shall be assessed, have reference to the value at which similar land in the vicinity is assessed, but shall nevertheless have regard to the terms of any by-law passed under section 39 of this Act. And in all cases which come before the Court it may increase the assessment or change it by assessing the right person, the clerk giving the latter or his agent four days' notice of such assessment, within which time he must appeal to the Court if he objects thereto. R.S.O. 1897, c. 224, s. 71 (15), amended.

Oaths of certain parties not necessary.

(17) It shall not be necessary to hear upon oath the complainant or assessor, or the person complained against, except where the Court deems it necessary or proper, or where the evidence of the person is tendered on his own behalf or required by the opposite party.

When to proceed ex parte. (18) If either party fails to appear, either in person or by an agent, the court may proceed *ex parte*. R.S.O. 1897, c. 224, s. 71 (16, 17.)

Correction of errors.

(19) Where it appears that there are palpable errors in the roll of any municipality or of any ward which need correction, the Court may at any time during its sitting correct the same, if no alteration of assessed values is involved; and, if any alteration of assessed values is necessary, the Court may extend the time for making complaints for ten days further, and may then meet and determine the additional matter complained of, and the assessor may be or may be directed by the Court to be, for such purpose, the complainant. R.S.O. 1897, c. 224, s. 71 (18), amended. [See also Section 48.]

Business to be finished by July 1st.

Rev. Stat., c. 225.

(20) Subject to the provisions of sections 53 to 56 inclusive, and to the provisions of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* and to the provisions of any special Act affecting any particular municipality, all the duties of the Court of Revision, which relate to the matters aforesaid, shall be completed and the rolls finally revised by the Court, before the 1st day of July in every year. R.S.O. 1897, c. 224, s. 71 (19).

Procedure upon appeals.

(21) Upon an appeal upon any ground against an assessment, the Court of Revision may re-open the whole question of the assessment, so that omissions from, or errors in, the assessment roll may be corrected, and the accurate amount for which the assessment should be made and the person or persons who should be assessed therefor may be placed upon the roll by the Court; and if necessary the roll of any particular ward or sub-division of the municipality, even if returned as

as finally revised, may be opened so as to make the same correct in accordance with the finding of the Court. 3 Edw. VII., c. 21, s 8 part.

(22) The clerk shall forthwith alter and amend the assessment roll in accordance with the decisions of the Court of Revision, and shall write his name or initials against every alteration or amendment. *New. See R.S.O. 1897, c. 224, s. 76.*

*Alteration of
roll by clerk.*

66. The roll, as finally passed by the Court, and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the Judge of the County Court, be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or mis-statement in the notice required by section 46 of this Act, or the omission to deliver or transmit such notice. Provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice shall not apply to any person who has given the Clerk or Assessment Commissioner the notice provided for in sub-section 6 of section 46 of this Act. R. S. O. 1897, c. 224, s. 72, *amended.*

*Roll to be
binding, not-
withstanding
errors in it or
in notice sent
to persons as-
sessed.*

67. A copy of any assessment roll, or portion of any assessment roll, written or printed, without any erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk of the municipality, shall be received as *prima facie* evidence in any court of justice without proof of the seal or signature, or the production of the original assessment roll of which such certified copy purports to be a copy, or a part thereof. R. S. O. 1897, c. 224, s. 73.

*Copy of assess-
ment roll duly
certified to by
evidence.*

APPEALS FROM THE COURT OF REVISION.

68.—(1) An appeal to the County Judge shall lie, at the instance of the municipal corporation, or at the instance of the assessor, or assessment commissioner, or at the instance of any ratepayer of the municipality not only against a decision of the Court of Revision on an appeal to the said Court, but also against omission, neglect or refusal of the said Court to hear or decide an appeal. 62 V. (2), c. 27, s. 6.

*Appeal lies
from decision
or refusal to
decide.*

(2) Subject to the provisions of sections 53 to 56 inclusive, and to the provisions of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* and to the provisions of any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within five days after the date herein limited for the closing of the Court of Revision, a written notice of his intention to appeal to the County Judge (3)

*Service
notice of
appeal.
Rev. Stat.
c. 225.*

Day for hearing.

(3) The clerk shall, immediately after the time limited for filing said appeals, forward a list of the same to the Judge, who shall then notify the clerk of the day he appoints for the hearing thereof, and shall, if in his opinion, the appeals or any of them appear to involve the calling or examination of witnesses, fix the place for holding such Court within the municipality, from the Court of Revision of which such appeal is made, or at the place nearest thereto where the sittings of the Division Court within his jurisdiction are held.

Places for hearing appeals from Courts of Revision.

Clerk to notify parties.

(4) The clerk shall thereupon give notice to all the persons appealed against in the same manner as is provided for giving notice on a complaint under section 65 of this Act; but in the event of failure by the clerk to have the required service of the notices in any appeal made, or to have the same made in proper time, the Judge may direct service to be made for some subsequent day upon which he may sit.

List of appellants, etc., to be posted up by clerk.

(5) The clerk of the municipality shall cause a conspicuous notice to be posted up in his office, or the place where the council of the municipality hold their sittings, containing the names of all the appellants and persons appealed against, with a brief statement of the ground or cause of appeal, together with the date at which a Court will be held to hear appeals. R.S.O. 1897, c. 224, s. 75 (2-5).

Clerk of Court.

(6) The clerk of the municipality shall be the clerk of such Court; and he shall keep, in the book referred to in section 60, a record of the decision of the Judge upon each appeal R.S.O. 1897, c. 224, s. 75 (6), *amended*.

Hearing and adjournment.

(7) At the Court so holden, the Judge shall hear the appeals and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, but so that (subject to the provisions of sections 53 to 56 inclusive, and to the provisions of the *Act respecting the establishment of Municipal Institutions in Territorial Districts*, and to the provisions of any special Act affecting any particular municipality) all the appeals may be determined before the 1st day of August.

Subpoena.

(8) A subpoena to compel the attendance of any witness required before the County Judge upon any appeal under this Act may be issued by the clerk of the County Court of the county in which is situated the municipality whose assessment roll is in question, which said subpoena shall be tested as are other subpoenas issued out of the County Court of the said county in actions therein and may be intituled as is provided in section 71 of this Act. R.S.O. 1897, c. 224, s. 75 (7), (8.)

Assessment roll to be produced to the Court, and amended, etc.

69. At the Court to be holden by the County Judge, or acting Judge of the Court, to hear the appeals hereinbefore provided for, the person having charge of the assessment roll passed by the Court of Revision shall appear and produce such

such roll, and all papers and writings in his custody connected with the matter of the appeal, and such roll shall be altered and amended according to the decision of the Judge, if then given, who shall write his initials against any part of the said roll in which any mistake, error or omission is corrected or supplied; and if the decision is not then given, the clerk of the Court shall, when the same is given, forthwith alter and amend the roll, according to the same, and shall write his name or initials against every such alteration or correction. R.S.O. 1897, c. 224, s. 76, *amended.*

Amendments
now certified.

70.—(1) In all proceedings before the County Judge, or acting Judge of the Court, under or for the purposes of this Act, such Judge shall possess all such powers for compelling the attendance of, and for the examination on oath of all parties, whether claiming or objecting or objected to, and of all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him, in the Division Court or in the County Court.

(2) The hearing of the said appeal by the County Judge shall, where questions of fact are involved, be in the nature of a new trial, and either party may adduce further evidence in addition to that heard before the Court of Revision subject to any order as to costs or adjournment, which the Judge may consider just. R.S.O. 1897, c. 224, s. 77.

71. All process or other proceedings in, about or by way of appeal, may be intituled as follows:

In the matter of appeal from the Court of Revision of the

, of

_____, Appellant,

and

_____, Respondent,

and the same need not be otherwise intituled. R.S.O. 1897, c. 224, s. 78.

72. The costs of any proceeding before the Court of Revision or before the Judge as aforesaid shall be paid by or apportioned between the parties in such manner as the Court or Judge thinks fit, and where costs are ordered to be paid by any party claiming or objecting or objected to, or by any assessor, clerk of a municipality, or other person, payment of the same shall be enforced, when ordered by the Court of Revision, by a distress warrant under the hand of the clerk and the corporate seal of the municipality, and when ordered by the Judge, by execution to be issued as the Judge may direct, either from the County Court or the Division Court within the county in which the municipality or assessment district, or some part thereof, is situated, in the same manner as upon an ordinary judgment for costs recovered in such Court. R.S.O. 1897, c. 224, s. 79.

Costs to be ap-
portioned by
the Judge, and
how enforced.

What costs
chargeable.

73. The costs chargeable or to be awarded in any case may be the costs of witnesses, and of procuring their attendance, and none other ; and the same shall be taxed according to the allowance in the Division Court for such costs ; and in cases where execution issues, the costs thereof as in the like Court, and of enforcing the same, may also be collected thereunder. R.S.O. 1897, c. 224, s. 80.

Expenses of
county judges
on assessment
appeals.

74. County Court Judges shall be entitled to receive from the several municipalities as their expenses for holding Courts in such municipalities other than the county town, for the purpose of hearing appeals from the Court of Revision, under the provisions of this Act, the same sums as they are allowed for holding Courts for revising voters' lists. R.S.O. 1897, c. 224, s. 81.

Decision of
County Judge
to be final.

75. The decision and judgment of the Judge or acting Judge shall be final and conclusive in every case adjudicated upon. R.S.O. 1897, c. 224, s. 82. amended.

Appeals where large amounts involved.

Appeals
where large
amounts or
questions of
law involved.

76.—(1) Where there is an appeal from any Court of Revision under section 68 of this Act to the Judge of the County Court of the county in which the assessment is made and a person desiring to appeal has been assessed on one or more properties to an amount aggregating \$20,000, such person on depositing with the clerk of the Court of Revision appealed from the sum of \$75 to pay the travelling expenses of the Board or Judge to be called in as hereinafter mentioned, shall have the right to have the appeal from the said Court of Revision heard by a Board consisting of the Judges of the counties which constitute the County Court District, if the property assessed be in a county which forms part of a County Court District, and if not, then the person appealing may request, in writing, the said County Court Judge to associate with himself in hearing the said appeal, the Judge or acting Judge of the County Court of the county whose county town is nearest to the court house where the said appeal will be heard, and the Judge or acting Judge of the County Court of the county, whose county town is the next nearest to the court house where the said appeal will be heard ; and the said appeal shall thereupon be heard by the County Court Judge and the said Judges so called in as aforesaid ; and in such cases the clerk of the municipality shall forthwith notify by post, prepaid, each of the Judges whose duty it is to attend upon such appeal as aforesaid, of all notices of appeal coming within the provisions of this section, which are from time to time served upon him ; and the Judge of the County in which the city, town, township or village lies the decision of whose Court of Revision has been appealed against, shall arrange a day

day for the hearing of such appeals, and shall notify the clerk thereof, and the clerk shall immediately notify, by post, prepaid, the other Judges and the persons appealing.

(2) Where an appeal against an assessment lies from a Court of Revision to the Stipendiary Magistrate of the district or provisional county in which the property assessed is situate, and a person desiring to appeal is assessed on one or more properties in any township or union of townships to an amount in the aggregate exceeding \$20,000, such person shall have the right to appeal either to the said Stipendiary Magistrate or (on depositing with the clerk of the municipality the sum of \$50 to defray the travelling expenses of the County Court Judge hereinafter mentioned) to the Judge of the County Court of the county to which the said provisional county or district is attached for judicial purposes; the notice of such appeal, the time for bringing the same on, and the procedure generally, shall be the same as in the case of an ordinary appeal from a Court of Revision to a County Court Judge.

Appeals in
districts and
provisional
counties.

(3) Sections 68 to 78 inclusive, shall apply to all appeals taken under the preceding two subsections, and the said Judge or Judges shall have the powers and duties which by the said sections 68 to 78 are assigned to the County Court Judge therein referred to.

(4) When three Judges hear the appeal the decision of the majority shall prevail, subject to appeal to the Court of Appeal.

(5) The clerk with whom any money is deposited to pay the travelling expenses as aforesaid, shall pay out of the moneys so deposited upon requisition by the Judges respectively, such sums as the said Judges certify to him as their respective travelling expenses in connection with the said appeal, and shall repay the balance, if any, to the person, partnership or corporation who deposited the same, and each of the said outside Judges shall be entitled to be paid a sum not exceeding five dollars per day for his services, and the sum so paid shall be part of the costs of the appeal and shall be payable by such party as the majority of the Judges hearing the appeal determine.

Powers and
procedure on
such appeals.

(6) An appeal shall lie to the Court of Appeal from any judgment or decision of the said Judges or a majority of them; and, subject to any Rule of Court relating to such appeals, the procedure thereon shall be, as far as may be, the same as upon an appeal from a County Court to the High Court. The appeal shall be heard by three or more Judges of the Court of Appeal, and the decision of such Judges or a majority of them shall be final. R.S.O. 1897, c. 224, s 84.

Majority
Judges to
decide.

Payment of
travelling
expenses of
County
Judges.

Appeal to
Court of
Appeal.

County Judge
may state case
for opinion of
Court of
Appeal.

77. In order to facilitate uniformity of decision without the delay or expense of appeals,—

1. A County Judge may, after his judgment in the case or matter, prepare a statement of the facts in the nature of a case on any question of general application which has arisen under this Act, or on any question which has arisen upon an appeal of a person, partnership or corporation assessed on one or more properties to an amount aggregating \$10,000 and may transmit the same to the Lieutenant-Governor in Council, who thereupon may state a case and immediately refer the same to a Judge of the Court of Appeal, for the opinion of a Judge thereupon; or

Lieutenant-
Governor may
obtain
opinion.

2. The Lieutenant-Governor in Council may, without such statement, refer a case on any such question to a Judge of the Court of Appeal, for a like opinion.

Duty of Court. 3. Immediately upon the receipt of such case it shall be the duty of a Judge of such Court (to be named by the Court of Appeal or the Chief Justice thereof), to appoint a time and place for hearing arguments (if any be offered) upon the points and matter involved in the case, of which time and place written notice shall be given by the Registrar of the Court by posting up a copy of the notice in the Central office of the High Court at Osgoode Hall, in Toronto, at least ten clear days before the time appointed as aforesaid.

Argument. 4. At the time and place fixed therefor as aforesaid, or at any time to which he may adjourn the same, the Judge shall hear argument upon the case by such of the counsel present (if any) as he may deem reasonable, and shall thereupon consider the case and certify to the Lieutenant-Governor in Council his opinion thereon; and the opinion shall thereupon be forthwith published in *The Ontario Gazette*, and a copy thereof shall be sent to every Judge of a County Court.

Security for
costs.

5. The Lieutenant-Governor in Council may impose such conditions as may appear to be reasonable as to a deposit of money or the execution of a bond to His Majesty to cover costs of any party or otherwise, before or upon the transmission of such case to the Judge.

Statement of
cases not to
affect rolls,
etc., then
being pre-
pared.

6. The statement of any such case or the hearing or argument or other proceeding thereon under this Act shall not delay the final revision of the assessment roll or other proceedings thereon or the collection of taxes thereunder. The Judge may also direct and require notice of the proceeding to be served on any person, and that such person may be heard by counsel or personally and he may make such order in the premises and as to costs and the payment thereof as will, in his opinion, do justice to all parties concerned; and any such order may be enforced in the same manner as an order of a Judge of the High Court under *The Judicature Act* or otherwise. But any such order, decision or judgment shall not alter, vary or invalidate

invalidate any assessment or collector's roll made at or before the time when the decision, judgment or order is made.

7. The Judge may at any stage of the proceedings refer the case to the full Court for hearing and adjudication, and the said Court shall have the authority and perform the duties hereinbefore assigned to or conferred upon a Judge. R.S.O. 1897, c. 224, s. 85.

78. Upon an appeal upon any ground against an assessment the Judge of the County Court or the County Judges hearing an appeal under section 76 of this Act, or the Court of Appeal, as the case may be, may re-open the whole question of the assessment, so that omissions from, or errors in, the assessment roll may be corrected, and the accurate amount for which the assessment should be made, and the person or persons who should be assessed therefor may be placed upon the roll by the Judge or Judges, or Court, and, if necessary, the roll of any particular ward or sub-division of the municipality, even if returned as finally revised, may be opened so as to make the same correct in accordance with the finding of such Judge or Judges, or Court. 3 Edw. VII., c. 21, s. 8 *part amended.*

79.—(1) Subject to the provisions of subsection 2 of this section, when after the appeal provided by this Act, the assessment roll has been finally revised and corrected, the clerk of the municipality shall, within 90 days, transmit to the county clerk a certified copy thereof.

(2) The council of any county may pass a by-law permitting the clerks of municipalities instead of transmitting a copy of the roll as required by subsection 1 to submit a summarized statement of the contents of the roll, showing the total population of the municipality and the total assessment of each of the various classes of property liable to assessment; but the clerk of every municipality shall, nevertheless, transmit a copy of the roll to the clerk of the county in every third year and whenever in other years he may be required so to do by the County Judge or by resolution of the county council.

(3) The penalty for default in performance of the duties under this section, or under such by-law, upon the clerk of a municipality shall be not less than \$10 and not more than \$20. R.S.O. 1897, c. 224, s. 83; 62 V. (2) c. 27, s. 7, *amended.*

Equalization.

County Valuators.

80.—(1) The council of every county may appoint two or more valuators for the purpose of valuing the real property within the county, and it shall be their duty to ascertain, in every

County coun-
cil may
appoint
valuators,
their duties,
etc.

**Equalization
of real
property.**

every fifth year at furthest, the value of the same in the manner directed by the county council; but the valuators shall not exceed the powers possessed by assessors. The valuation so made shall be made by the county council the basis of equalization of the real property for a period not exceeding five years.

**Terms for
which valua-
tion to be
in force.**

(2) The county council may, at or before the expiration of the said period, extend the time for a term not exceeding five years further and thereupon the valuation shall continue to be made the basis of equalization of the real property by the county council for such extended period. R.S.O. 1897, c. 223, s. 310.

**Method of
valuing by
county
valuators.**

(3) When valuators have been appointed under this section the said valuators may ascertain the value of the said real property by inspecting and valuing from five to eight per cent. of the different parcels of land in different parts of each municipality in the county, and upon such inspection and valuation the said valuators shall compare their valuations with the valuations in the last revised assessment roll made by the assessors of the several municipalities within the county; and if upon such comparison it is found that the valuation of the county valuators nearly corresponds in the aggregate with the valuation upon the assessment roll of a municipality, the valuators and afterwards the county council shall accept the assessment roll as correct for the purposes of county valuation.

**Where
valuation
differs from
total
assessment.**

(4) Where it is found that the valuations of particular lots made by the county valuators differ materially from the valuations of the same lots upon the assessment roll of a municipality, the county valuators shall add or deduct a corresponding percentage to or from the local assessment; and a similar method shall be followed with respect to the valuation of real property in towns and villages. 1 Edw. VII., c. 26, s. 13.

**Attestation of
valuators'
report.**

(5) The valuators shall attest their report on the value of the real property within the county by oath or affirmation in regard to the property actually inspected and valued by them in the same manner as assessors are required to verify assessment rolls. R.S.O. 1897, c. 224, s. 90; 1 Edw. VII., c. 26, s. 14.

**Annual exam-
ination of as-
essment roll
by county
councils for
purpose of
equalization**

81.—(1) The council of every county shall, yearly, and not later than the first day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding financial year, for the purpose of ascertaining whether the valuations made by the assessors in each township, town or village bear a just relation one to another; and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per cent. as may, in their opinion, be necessary to produce a just relation between them; but they shall not reduce the aggregate

gate valuation for the whole county as made by the assessors.
R.S.O. 1897, c. 224, s. 87, *amended*.

(2) Within ten days after the equalization by-law has been passed by the county council, the county clerk shall transmit to the reeve and clerk of each municipality a copy thereof. Notice of equalization to municipalities concerned.

82. If any municipality is dissatisfied with the action of any county council in increasing or decreasing, or refusing to increase or decrease the valuation of any municipality, the proceedings shall be as follows :

1. The municipality so dissatisfied may appeal from the decision of the council at any time within twenty days after the passing of such by-law, by giving to the clerk of the county council notice in writing, which notice shall state whether the municipality appealing is willing to have the final equalization of the assessment made by the County Judge. R.S.O. 1897, c. 224, s. 88, par. 1, *amended*.

2. Every county council, at the same session in which the assessment has been equalized, shall determine whether the said council is willing to have the final equalization of the assessment, in case of appeal, made by the County Judge. Crown council may elect as to county judge acting.

3. Upon receiving notice of appeal, in case any party to the appeal has objected to the final equalization of the assessment being made by the County Judge, the clerk of the county council shall forthwith notify in writing the Provincial Secretary of such objection, giving the name or names of the municipality or municipalities so objecting. R.S.O. 1897, c. 224, s. 88, pars. 2, 3. Notice to Provincial Secretary.

4. The Lieutenant-Governor in Council, upon receiving the notice in writing from the clerk of any county council, may appoint two persons, one of whom shall be the sheriff or registrar of the county in which the appeal is made, and the other a Judge of another county, who together with the County Judge shall form a Court, and the said Court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the appeal either with or without the evidence of witnesses, or with such evidence as they may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time; but the judgment of the said Court shall not be deferred beyond the 1st day of January next after the notice of the appeal; and the Court shall equalize the whole assessment of the county and shall forthwith report the same to the county council. R.S.O. 1897, c. 224, s. 88, par. 4, *amended*. Appointment of court by Order-in-Council.

5. The Judge of the other county shall be entitled to a reasonable allowance for his services, the same not to exceed \$10 a day, besides his travelling and other expenses, and the County Judge, sheriff, or registrar, shall also receive a reasonable Fees of Judge, sheriff and registrar.

able sum, not to exceed \$10 each per day, and to be paid by the county.

Quorum.

6. Any two members of such Court shall constitute a quorum, and such Court may proceed and adjudicate upon such appeal, notwithstanding the office of sheriff or registrar or County Judge is vacant. R.S.O. 1897, c. 224, s. 88, pars. 5, 6.

**Equalization
by county
judge.**

7. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the County Judge, the clerk of the county council shall forthwith notify in writing the County Judge, and the County Judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the appeal, either with or without the evidence of witnesses, or with such evidence as he may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn, from time to time; but the judgment shall not be deferred beyond the 1st day of January next after such appeal; and the Judge shall equalize the whole assessment of the county, and shall forthwith report the same to the county council. R.S.O. 1897, c. 224, s. 88, par. 7, *amended*.

**Appeal in
cases of
equalization
of assessment.**

8. The right of appeal shall exist whether county valuators have been appointed or not, and upon any such appeal the report of the county valuators shall be open to review by the Court or Judge as herein provided.

Costs.

9. The costs incurred in the prosecution and opposing of such appeal respectively shall be borne and paid as directed by the County Judge or Court as the case may be, and not otherwise, and shall be subject to taxation on the County Court scale by the clerk of the County Court of the said county. R.S.O. 1897, c. 224, s. 88, pars. 8, 9.

**Effect of clerk
of municipality
omitting to
send copy of
roll.**

83. If the clerk of the municipality has neglected to transmit a certified copy of the assessment roll, such neglect shall not prevent the county council from equalizing the valuations in the several municipalities according to the best information obtainable; and any rate imposed, according to the equalized assessment, shall be as valid as if the assessment rolls had been transmitted. R.S.O. 1897, c. 224, s. 89.

**Apportion-
ment of
county rates,
how to be
based.**

84. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the assessment of property equalized in the preceding year the basis upon which the apportionment is made. R.S.O. 1897, c. 224, s. 91, *amended*.

**Case of new
municipal-
ties.**

85. Where boundaries of existing municipalities are changed, or where a new municipality is erected within a county

county so that there are no assessment or valuator's rolls of the new municipality for the next preceding year, the county council shall, by examining the rolls of the former municipality or municipalities of which the new municipality then formed part, ascertain, to the best of their judgment, what part of the assessment of the municipality or municipalities had relation to the new municipality, and what part should continue to be accounted as the assessment of the original municipality, and their several shares of the county tax shall be apportioned between them accordingly. R.S.O. 1897, c. 224, s. 92, amended.

86. Where a sum is to be levied for county purposes, or by the county for the purposes of a particular locality, the council of the county shall ascertain, and, by by-law, direct what portions of such sum shall be levied in each township, town or village in such county or locality. R.S.O. 1897, c. 224, s. 93.

87. The county clerk shall forthwith after the county rates have been apportioned certify to the clerk of each municipality in the county, the total amount which has been so directed to be levied therein for the then current year, for county purposes, or for the purposes of any such locality; and the clerk of the municipality shall calculate and insert the same in the collector's roll for that year. R.S.O. 1897, c. 224, s. 94, amended.

88. Nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interest on county debentures, whether such provisions are contained in any Municipal Act now or formerly in force in this Province, or in any Act respecting The Consolidated Municipal Loan Fund of Ontario, or in any general or special Act authorizing the issue of debentures, or in any by-law of the county council providing for the issue of the same. R.S.O. 1897, c. 224, s. 95.

COLLECTION OF TAXES.

89. The taxes due upon any land with costs may be recovered from the owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof, saving his recourse against any other person, and shall be a special lien on the land, enforceable by action, in priority to every claim, privilege, lien, or encumbrance of every person except the Crown, and the lien and its priority shall not be lost or impaired by any neglect, omission or error of the municipality, or of any agent or officer, or by want of registration. R.S.O. 1897, c. 224, s. 24 (2) last part and s. 149 amended.

[As to the amount collectable from an owner in consequence of the tenant's default where the school rate and the separate school rate are not the same, see R.S.O. 1897, c. 294, Sec. 53.]

Recovery of taxes by action.

90.—(1) The taxes payable by any person may be recovered with interest and costs, as a debt due to the municipality; in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the clerk of the municipality, shall be *prima facie* evidence of the debt. R.S.O. 1897, c. 224, s. 142, amended.

(2) Where the amount claimed does not exceed \$200, an action to recover the same may be brought in a Division Court. *New.*

Paying rent to collector until taxes paid.

91. Where taxes are due upon any land occupied by a tenant, the collector may give such tenant notice in writing requiring him to pay to such collector the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid and costs; and the collector shall have the same authority as the landlord of the premises would have to collect such rent by distress or otherwise to the amount of such unpaid taxes and costs; but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor. R.S.O. 1897, c. 224, s. 143, amended.

When tenant may deduct taxes from rent.

92. Any tenant may deduct from his rent any taxes paid by him which as between him and his landlord the latter ought to pay. R.S.O. 1897, c. 224, s. 26, amended

Provincial taxes.

93. All moneys assessed, levied and collected under any Act by which the same are made payable to the Treasurer of this Province, or other public officer for the public uses of the Province, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the collectors' rolls in separate columns, in the heading whereof shall be designated the purpose of the rate. R.S.O. 1897, c. 224, s. 131, *first part.*

COLLECTORS' ROLLS.

Clerk of municipalities to make out collector's rolls; their form, contents, etc.

94. The clerk of every municipality shall make a collector's roll or rolls as may be necessary, containing columns for all information, required by this Act to be entered by the collector therein; and in such roll or rolls he shall set down the name in full of every person assessed, and in the proper columns in that behalf the amount for which he is assessed in respect of his real property and income and otherwise under this Act as ascertained after the final revision of the assessment roll; and he shall calculate, and, opposite the assessed value, he shall set down in one column to be headed "*County Rates,*"

Rates," the amount for which the person is chargeable for any sums ordered to be levied by the council of the county for county purposes, and in another column to be headed "*General Rate*," the amount with which the person is chargeable in respect of sums ordered to be levied by the council of the municipality for the purposes thereof, and including any special rate for collecting the principal or interest for the payment of debentures issued, and in other columns any local improvement rate or school rate or other special rate, or sums for the commutation of statute labour, the proceeds of which are required by law, or by the by-law imposing it to be kept distinct and accounted for separately; and every such last mentioned rate shall be calculated separately, and the column therefor shall be headed "*Special Rate*," "*Local Improvement Rate*," "*Public School Rate*," "*Separate School Rate*," or "*Special Rate for School Debts*," or as the case may be. R.S.O. 1897, c. 224, s. 129, amended.

(2) Notwithstanding anything hereinbefore contained the Form and council of any city or town may by by-law provide that the clerk shall make a collector's roll or rolls, as may be necessary, containing all the information required by this Act to be entered by the collector therein ; and in such roll or rolls he shall set down the name in full of every person assessed and the assessed value of his real property and taxable income, as ascertained after the final revision of the assessment roll, and opposite the assessed value he shall set down in a column the amount for which the person is chargeable, for all sums ordered to be levied by the council of the said municipality for the purpose thereof. R. S. O. 1897, c. 224, s. 130 (1).

(3) Appended to every roll made up under subsection 2 of this section there shall also be a table setting forth the following information, viz.:—(a) the total amount of taxes to be collected under and by virtue of such roll or rolls ; (b) the name and amount of each rate levied by the municipality which is required by law or by the by-law imposing it, to be kept distinct and accounted for separately and specifying the aggregate proceeds of each rate ; and the clerk shall, before delivering the roll to the collector, furnish to the treasurer of the municipality a copy of such table. R. S. O. 1897, c. 224, s. 130 (2), amended.

95. The clerk shall attach to a roll a certificate signed by him according to the following form :—

I do certify that the within (or annexed, or attached, or as the case may be) Roll is the Collector's Roll prepared according to the provisions of The Assessment Act for (naming the municipality, or for Ward No.— of as the case may be) for the year 19

Information
to be given
in tables
appended to
rolls.

Collector's
roll to be
certified by
clerk.

A. B.,
Clerk of _____,
and

and shall deliver the roll so certified to the collector on or before the 1st day of October, or such other date as may be prescribed by by-law of the municipality. R.S.O. 1897, c. 224, s. 131, *last part, amended.*

Roll of non-residents in township.

96. The clerk of every township shall also make out a roll in which he shall enter the lands of non-residents assessed as provided in clause (g) of subsection 1 of section 22, together with the value of every lot, part of lot, or parcel, as ascertained after the revision of the roll; and he shall enter, opposite to each lot or parcel, all the rates or taxes with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the collector's roll; and he shall, on or before the 1st day of November, transmit the roll so made out, certified under his hand, to the treasurer of the county. R.S.O. 1897, c. 224, s. 132, *amended.*

If corrections made after collector's rolls prepared, mode to collect taxes on corrected roll.

97. If corrections are made in the assessment roll, under subsection 21 of section 65 or under section 78 of this Act, after the collector's roll or rolls for the municipality for the year for which such assessment has been made have been prepared, the Clerk of the municipality shall alter or amend the collector's roll or rolls to correspond with the changes made by the Court, Judge or Judges under the said sections, and by inserting the proper rates therefor, and the rates or taxes shall be collectable in accordance with such corrected rolls in the same manner and with the like remedies as if the same had been in the rolls when first prepared and certified by the Clerk of the municipality. 3 Edw. VII., c. 21, s. 8, *last part, amended.*

COLLECTORS AND THEIR DUTIES.

[*As to the appointment of collectors, see The Consolidated Municipal Act, 1903, s. 295.]*

Duties of collectors.

98. The collector, upon receiving his roll, shall proceed to collect the taxes therein mentioned. R.S.C. 1897, c. 224, s. 133.

Notice of Taxes to Residents.

Demand or notice of taxes by collector.

99.—(1) In cities, towns, villages and townships he shall call at least once on the person taxed, at his usual residence or place of business if within the municipality in and for which he has been appointed, and shall demand payment of the taxes; or he shall give to such person a written or printed notice specifying the amount of the taxes payable by him, by delivering the same, or causing the same to be delivered to him, or for him at his residence or place of business, or upon the premises in respect of which the taxes are payable. R.S.O. 1897, c. 224, s. 134 (1), (3), *first part, amended.*

(2)

(2) In cities, towns and villages the collector may, if so authorized by by-law of the municipality (which by-law the council of the municipality is hereby empowered to pass), mail the notice or cause the same to be mailed to the address of the residence or place of business of such person. *New.*

(3) The written or printed notice above mentioned shall have written or printed thereon, a schedule specifying the different rates and the amount on the dollar to be levied for each rate, making up the aggregate of the taxes referred to in such notice, and also containing the information required to be entered in the collector's roll under section 94. R.S.O. 1897, c. 224, s. 134 (2), amended.

100. The collector shall at the time of such demand or notice as the case may be, or immediately thereafter, enter or cause to be entered on his roll opposite the name of the person taxed, the date of such demand or of the delivery or mailing of such notice. Every person so entering any such date shall append his initials thereto, and the entry shall be *prima facie* evidence of such demand or notice. R.S.O. 1897, c. 224, s. 134 (1), (3) *last part, amended.*

Notice to Non-Residents.

101. If any person whose name appears on the roll is not resident within the municipality, the collector shall transmit to him by post, addressed in accordance with the notice given by such non-resident, if notice has been given, a statement and demand of the taxes charged against him in the roll, and shall at the time of such transmission enter or cause to be entered the date thereof in the roll, opposite the name of such person; and such entry shall be *prima facie* evidence of such transmission and of the time thereof; and the said statement and demand shall contain, written or printed on some part thereof, the name and post-office address of such collector. R.S.O. 1897, c. 224, s. 136, amended.

By-laws as to mode of Payment of Taxes.

102.—(1) In cities, towns, townships or villages, the council may by by-law require the payment of taxes, including local improvement assessments, sewer rents and rates, and of other rents or rates payable as taxes, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may provide that on the punctual payment of any instalment the time for payment of the remaining instalment or instalments shall be extended to a day or days to be named, or may provide that in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable.

**Discount on
punctual pay-
ment of taxes.**

(2) The council may also by by-law allow a discount for the payment of such taxes or any class of taxes or of any instalment thereof on or before a day or days therein named and may impose an additional percentage charge for non-payment of such taxes or any class of taxes or of any instalment thereof by a day or days named in such by-law, provided that no greater percentage charge than five per cent. shall be imposed on any instalment of taxes or on the aggregate amount of taxes ; and such additional percentage charge shall be added to such unpaid tax, or assessment, rent or rate, or instalment thereof, and shall be collected by the collector or otherwise, as if the same had been originally imposed and formed part of such unpaid tax, or assessment, rent, or rate, or instalment thereof.

**Discount or
charge may be
on sliding
scale.**

(3) Such discount or additional charge may by the by-law be provided for on the basis of a sliding scale corresponding with the length of time default is made but so as not in the aggregate to exceed five per cent. as aforesaid.

**Notice as to
time and mode
of payment.**

(4) In case a by-law is passed providing for payment by instalments or allowing any such discount or imposing any such additional percentage charge, a notice shall be given in accordance with section 99 of this Act on which shall be written or printed a concise statement of the time and manner of payment and of the discount allowed or the percentage charge imposed, if any, and at any time within fourteen days after such notice has first been given, in accordance with section 99 of this Act, any person may take advantage of the provisions of such by-law as to payment by instalments or with the discount allowed thereby, or without the additional percentage charge imposed thereby, as the case may be. 62 V. (2) c. 27, s. 4.

**By-law to be
in force till
return of col-
lector's roll.**

(5) Where, in accordance with this section, a percentage is added to unpaid taxes, the by-law shall not be repealed before the return of the collector's roll. *New.*

Distress for Recovery of Taxes.

**Distress and
sale for taxes
which are a
charge on
land.**

103.—(1) Subject to the provisions of section 102 of this Act, in case taxes which are a lien on land remain unpaid for fourteen days after demand or notice made or given pursuant to sections 99, 101, or 102, the collector, or, where there is no collector, the treasurer may by himself or his agent, (subject to the exemptions and provisoos hereafter in this section mentioned), levy the same with costs by distress,

**On goods of
person taxed.**

1. Upon the goods and chattels, wherever found, within the county in which the municipality lies, belonging to, or in the possession of, the owner or tenant of the land, whose name appears upon the collector's roll (who is hereinafter called "the person taxed.");

2. Upon the interest of the person taxed in any goods on the land, including his interest in any goods to the possession of which he is entitled under a contract for purchase, or a contract by which he may, or is to become the owner thereof upon performance of any condition ;
3. Upon the goods and chattels of the owner of the land found thereon, though his name does not appear upon the roll ;
4. Upon any goods and chattels on the land, where title to such goods and chattels is claimed in any of the ways following :
- (a) By virtue of an execution against the person taxed, or against the owner, though his name does not appear on the roll ; or
 - (b) By purchase, gift, transfer or assignment from the person taxed, or from such owner, whether absolute or in trust, or by way of mortgage, or otherwise ; or
 - (c) By the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed, or of such owner, or by any relative of his, in case such relative lives on the land as a member of the family ; or
 - (d) By virtue of any assignment or transfer made for the purpose of defeating distress ;

Provided that where the person taxed or such owner is not in possession, goods and chattels on the land not belonging to the person taxed or to such owner, shall not be subject to seizure ; and the possession by the tenant of the said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him. R.S.O. 1897, c. 224, s. 135 (1), amended.

Provided also, that no distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant. *New.*

Provided also, that in cities and towns no distress for taxes in respect of vacant land shall be made upon goods or chattels of the owner except upon the land. 62 V. (2), c. 27, s. 10 (1) amended.

(2) Subject to the provisions of section 102 of this Act, in case of taxes which are not a lien on land remaining unpaid for fourteen days after demand or notice made or given pursuant to sections 99, 101 or 102, the collector, or where there is no collector, the treasurer, may by himself or his agent (subject to the exemptions provided for in sub-section 4 of this section) levy the same with costs by distress:

1. Upon the goods and chattels of the person taxed wherever found within the county in which the municipality lies for judicial purposes;
2. Upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase, or a contract by which he may or is to become the owner thereof upon performance of any condition;
3. Upon any goods and chattels in the possession of the person taxed where title to the same is claimed in any of the ways defined by sub-clauses *a*, *b*, *c* and *d*, in subsection 1 of this section, and in applying the said sub-clauses they shall be read with the words "or against the owner though his name does not appear on the roll," and the words "or such owner," and the words "on the land" omitted therefrom. 62 V. (2), c. 27, s. 11 (1), amended.

**Case of goods
in possession
of warehouse-
man.**

(3) Notwithstanding anything in the preceding sub-sections, no goods which are in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes; and provided further that goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding-up order shall be liable only for the taxes of the assignor or of the company which is being wound up, and for the taxes upon the premises in which the said goods were at the time of the assignment or winding-up order, and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon. R.S.O. 1897, c. 224, s. 135 (1). *Proviso.*

taxes and costs, in the manner provided by this Act, although the time for payment thereof may not have expired, and the collector or treasurer may levy accordingly. R.S.O. 1897, c. 224, s. 135 (4), amended.

(7) A city shall for the purposes of this section be deemed to be within the county of which it forms judicially a part.

(8) The costs chargeable in respect of any such distress and levy shall be those payable to bailiffs under *The Division Courts Act*. Rev. Stat. c. 60.

(9) No person shall make any charge for anything in connection with any such distress or levy unless such thing has been actually done.

(10) In case any person offends against the provisions of sub-section 9 of this section or levies any greater sum for costs than is authorized by sub-section 8 of this section, the like proceedings may be taken against him by the person aggrieved, as may be taken by the party aggrieved in the cases provided for by sections 4 to 5 inclusive of *The Act respecting the Costs of Distress or Seizure of Chattels*, and all the provisions of the said sections shall apply as fully as if enacted *mutatis mutandis* in this Act. Rev. Stat. c. 75. R.S.O. 1897, c. 224, s. 135 (5-8.)

104. No defect, error or omission in the form or substance of the notice required by sections 99, 101 and 102 shall invalidate any subsequent proceedings for the recovery of the taxes. *New.* Informalities not to invalidate subsequent proceedings.

105. The collector shall, by advertisement posted up in at least three public places in the township, village or ward wherein the sale of goods and chattels distrained is to be made, give at least six days' public notice of the time and place of sale, and of the name of the person whose property is to be sold ; and, at the time named in the notice, the collector or his agents shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary. Public notice of sale to be given, and in what manner. R. S. O. 1897, c. 224, s. 138.

106 If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made. Surplus, if unclaimed, to be paid to party in whose possession the goods were ; R.S.O. 1897, c. 224, s. 139.

107. If such claim is made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant. or to admitted claimant. R.S.O. 1897, c. 224, s. 140.

When the right to such surplus contested.

108. If the claim is contested, such surplus shall be paid by the collector to the treasurer of the municipality, who shall retain the same until the respective rights of the parties have been determined by action or otherwise. R.S.O. 1897, c. 224, s. 141.

Collector to return his roll and pay over proceeds by the day to be appointed by council.

109.—(1) Subject to the provisions of sub-sections 2 and 3 of this section every collector shall return his roll to the treasurer on or before the 14th day of December in each year, or on such day in the next year not later than the 1st day of February, as the council of the municipality may appoint. R.S.O. 1897, c. 224, s. 144 (1) *first part, amended.*

(2) In towns and villages to which any by-law passed pursuant to sections 53 to 56 inclusive of this Act applies every collector shall return his roll to the treasurer on or before the 30th day of April in the second year following the completion of the assessment roll, or such earlier date in that year as the council may appoint. *New. See s. 138.*

(3) The council of every city may by by-law fix the times for the return of the collector's rolls, and may make any enlargements of the times so fixed. R.S.O. 1897, c. 224, s. 146, *amended.*

(4) The collector of every city, town and village shall pay over to the treasurer of such city, town or village once every week until the final return of the roll, the total amount collected during the preceding week.

Collectors of cities, towns and villages to pay to treasurer weekly.

(5) The collector of every township shall pay over to the treasurer of such township once in every two weeks until the final return of the roll, the total amount collected during the preceding two weeks. R.S.O. 1897, c. 224, s. 144 (2), (3).

Collector of township to pay to treasurer every two weeks.

Oath of collector on returning roll.

110.—(1) At or before the return of his roll every collector shall make oath in writing that the date of every demand of payment or notice of taxes required by sections 99 or 102, and every transmission of statement and demand of taxes required by section 101 entered by him in the roll, has been truly stated therein.

(2) Every other person who has delivered or mailed a notice pursuant to sections 99, 101 or 102 shall in like manner at or before the return of the roll make oath that the date of the delivery or mailing of every such notice by him, has been truly stated in the roll.

(3) Every such oath may be according to the form given in Schedule H to this Act and shall be written on or attached to the roll and may be taken before the treasurer, or before any of the persons mentioned in section 222 of this Act. R.S.O. 1897, c. 224, s. 144 (1), *last part, amended.*

111.—(1) In case the collector fails or omits to collect Other persons the taxes or any portion thereof by the day appointed or may be employed to to be appointed as in section 109 mentioned, the council may, collect taxes by resolution, authorize the collector, or some other person in which collector does not his stead, to continue the levy and collection of the unpaid collect by a taxes, in the manner and with the powers provided by law certain day. for the general levy and collection of taxes.

(2) No such resolution or authority shall alter or affect the duty of the collector to return his roll, nor shall, in any manner whatsoever, invalidate or otherwise affect the liability of the collector or his sureties. R.S.O. 1897, c. 224, s. 145.

112.—(1) The Court of Revision shall, at any time during Remission or the year for which the assessment has been made or before reduction of taxes by the 1st day of July in the following year and with or council without notice, receive and decide upon the petition from any person assessed for a tenement which has remained vacant during more than three months in the year for which the assessment has been made, or from any person who declares himself, from sickness or extreme poverty unable to pay the taxes, or who, by reason of any gross and manifest error in the roll, has been over-charged, or whose land has been assessed under section 51; and the Court of Revision may (subject to the provisions of any by-law in this behalf) remit or reduce the taxes due by any such person, or reject the petition; and the council may from time to time make such by-laws, and repeal or amend the same. R.S.O. 1897, c. 224, s. 74 (1), amended.

(2) An appeal may be had by such person or by the municipality from any decision of the Court of Revision under subsection 1 of this section. R.S.O. 1897, c. 224, s. 74 (3); 3 Edw. VII. c. 21, s. 9, amended.

113.—(1) If any of the taxes mentioned in the collector's Proceedings roll remain unpaid, and the collector is not able to collect the when taxes are same, he shall deliver to the treasurer of his municipality an unpaid, and account of all the taxes on the roll remaining unpaid; and, in cannot be such account, the collector shall shew, opposite to each assessment, the reason why he could not collect the same by inserting in each case the words "Non-resident" or "Not sufficient property to distrain," or "Instructed by Council not to collect," or "Instructed by Council to return not collected," or as the case may be.

(2) Subject to the next following subsection, the collector shall at the same time furnish the clerk of the municipality with a duplicate of such account, and the clerk shall, upon receiving the same, mail a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year.

(3) In cities the treasurer shall give the notice hereinbefore directed to be given by the clerk. R.S.O. 1897, c. 224, s. 147; 61 V. c. 25, s. 2, *amended*.

**When there is
not sufficient
distress on
such lands.**

114. If there is not sufficient distress upon any of the occupied lands or lands built upon in section 122 mentioned to satisfy the total amount of taxes charged against the same, as well for arrears as for the taxes of the current year, the collector shall so return it in his roll to the treasurer of the municipality, shewing the amount collected, if any, and the amount remaining unpaid, and stating the reason why payment has not been made. R.S.O. 1897, c. 224, s. 156; 62 V. (2), c. 27, s. 11 (4).

**When thus
not collected,
collectors to be
credited with
amount.**

115.—(1) Upon making oath before the treasurer that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover sufficient goods or chattels subject to distress under section 103, whereon he could levy the same, or any part thereof, the collector shall be credited with the amount not realized. R.S.O. 1897, c. 224, s. 148, *amended*.

(2) In cities and towns and any other municipalities having power to sell lands for non-payment of taxes the collector of taxes may qualify the oath, by subsection 1 directed to be made by him by shewing that in respect of vacant land, he has not attempted to distrain upon the goods and chattels of the owner except upon such vacant land. 62 V. (2), c. 27, s. 10 (2).

ARREARS OF TAXES ACCRUED ON LAND.

[*As to cities and towns see section 186.*]

**Statement of
arrears to be
prepared by
treasurer.**

116.—(1) The treasurer of every township and village shall, within fourteen days after the time appointed for the return and final settlement of the collector's roll, and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

(2) Such statement shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, on lands of non-residents which have become occupied, as required by section 122 of this Act; and the county treasurer shall not be bound to receive any such statement after the 8th day of April in each year;

(3) The treasurer in such statement and both he and all other officers of the municipality shall from time to time furnish to the county treasurer such other information as the county treasurer may require and demand, in order to enable him

him to ascertain the just tax chargeable upon any land in the municipality for that year. R.S.O. 1897, c. 224, s. 157, amended.

117. If two or more municipalities, having been united for municipal purposes, are afterwards disunited, or if a municipality or part of a municipality is afterwards added to or detached from any county, or to or from any other municipality, the county or other treasurer shall make corresponding alterations in his books, so that arrears due on account of any parcel or lot of land, at the date of the alteration, shall be placed to the credit of the municipality within which the land after such alteration is situate. R.S.O. 1897, c. 224, s. 165, amended.

118. The county or other treasurer shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land. R.S.O. 1897, c. 224, s. 246, amended.

119.—(1) After the collector's roll has been returned to the treasurer of a township or village, and before such treasurer has furnished to the county treasurer the statement mentioned in section 116, arrears of taxes may be paid to such local treasurer; but after the said statement has been returned to the county treasurer no more money on account of the arrears then due shall be received by any officer of the municipality to which the roll relates.

(2) The collection of arrears shall thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and of all taxes on lands of non-residents, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 131 of this Act. R.S.O. 1897, c. 224, s. 160.

120. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land; but no such payment shall be received after the land has been advertised for sale for arrears of taxes. See 62 V. (2), c. 27, s. 13 (1), amended.

Duties of Treasurers, Clerks and Assessors in relation thereto.

121. The treasurer of every county shall furnish to the clerk of each municipality in the county except those whose officers have power to sell lands for arrears of taxes, and the treasurer

Lists of lands
three years in
arrears for
taxes to be
furnished to
treasurer
clerks.

treasurer of every such last-mentioned municipality shall furnish to the clerk of the municipality (or in cities having an assessment commissioner the treasurer of the city shall furnish to the assessment commissioner) a list of all the lands in the municipality in respect of which any taxes have been in arrear for the three years next preceding the 1st day of January in any year; and the said list shall be so furnished on or before the 1st day of February in every year, or fifteen days before such other date as may be fixed by any by-law passed under sections 53 to 56 inclusive for the assessor to begin to make his assessment roll and shall be headed in the words following: "*List of lands liable to be sold for arrears of taxes in the year 19* ;" and, for the purpose of the computation of such three years the taxes for each year shall be deemed to have been due and payable on and from the first day of January in such year. R. S. O. 1897, c. 224, s. 152, amended.

Clerks to keep
the lists in
their offices
open to
inspection,
give copies to
assessors,
notify occu-
pants, etc.

122.—(1) The clerk of the municipality or assessment commissioner is hereby required to keep the said list, so furnished by the treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver a copy of such list to the assessor of the municipality, in each year as soon as he is appointed; and it shall be the duty of the assessor to ascertain if any of the lots or parcels of land contained in such list are occupied or built upon or are incorrectly described, and to notify such occupants and also the owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, or otherwise, that the land is liable to be sold for arrears of taxes, and to enter in a column (to be reserved for the purpose) the words "*Occupied or Built upon and Parties Notified*," or "*Not occupied*," or "*Incorrectly described*," or as the case may be; and all such lists shall be signed by the assessor, verified as provided in subsection 2 of this section, and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein; and the clerk shall compare the entries in the assessor's return with the assessment roll and report any differences to the assessor for verification and the clerk shall file such lists and any such memorandum in his office for public use, and shall furnish forthwith to the treasurer of the municipality, if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, a true copy of the same certified to by him, under the seal of the corporation; and, every such list or copy thereof, shall be received in any court as evidence, in any case arising concerning the assessment of such lands. R. S. O. 1897, c. 224, s. 153, s. 155 (1); 62 V. (2), c. 27, s. 12 (1), amended.

[See

[See section 126 for penalty for non-performance of these duties.]

(2) The assessor shall attach to each such list a certificate signed by him, and verified by oath or affirmation, in the form following:

I do certify that I have examined all the lots in this list named; and that I have entered the names of all occupants thereon, as well as the names of the owners thereof, when known; and that all the entries relative to each lot are true and correct, to the best of my knowledge and belief.

R.S.O. 1897, c. 224, s. 154.

123.—(1) In cities of over 50,000 inhabitants on or before the first day of August, and in other cities and municipalities on or before the 15th day of September and, in the cases provided for by sections 53 to 56 inclusive, one month before the date fixed for the completion of the collector's roll, the county treasurer or the treasurer of the municipality as the case may require shall return to the clerk of the proper municipality an account of all arrears of taxes due in respect of such occupied lands, or lands built upon, including the percentage chargeable under section 134 of this Act.

Return of taxes due to be made by treasurer to clerk.

(2) The clerk of each municipality shall, in making out the collector's roll of the year, add such arrears of taxes to the taxes assessed against such occupied lands, or lands built upon, for the current year; and, subject to the proviso contained in subsection (1) of section 103, relating to tenants, such arrears shall be collected in the same manner and subject to the same conditions as all other taxes entered upon the collector's roll.

Clerk to insert amount in collector's roll.

R.S.O. 1897, c. 224, s. 155 (3); 62 V. (2), c. 27, s. 11 (2), (3), amended.

124. If, on an examination of the non-resident collectors roll or the return required under sections 122 and 123 of lands liable to be sold for taxes, or otherwise, it appears to the treasurer that any land liable to assessment has not been assessed for the current year, he shall report the same to the clerk of the municipality; thereupon, or if the same comes to the knowledge of the clerk in any other manner, the clerk shall proceed as provided in section 51 of this Act. See R.S.O. 1897, c. 224, s. 166.

Proceedings where any land is found not to have been assessed.

125. In case it is found by the statement directed by section 116 to be made, (or by the return made by the collector under section 113 or section 114) that the arrears of taxes upon occupied land, or land built upon, directed by section 123 of this Act to be placed on the collector's roll, or any part thereof, remain in arrear, such land shall be liable to be sold for such arrears, and shall be included in the next ensuing list prepared pursuant to section 136 of lands liable to be sold under the provisions of section 148 of this Act, notwithstanding the same may be occupied in the year when such sale takes

Liability of lands to sale if arrears are not paid, and when.

takes place ; and such arrears need not again be placed upon the collector's roll for collection. R.S.O. 1897, c. 224, s. 158; 62 V. (2), c. 27, s. 11 (5), *amended*.

**Penalty on
clerks and
assessors neg-
lecting duties
under preced-
ing sections.**

**How to be
levied.**

**Collection of
arrears after
subdivision of
land changed.**

126. If the clerk or assessment commissioner, as the case may be, of any municipality neglects to preserve the said list of lands in arrear for taxes, furnished to him by the treasurer, in pursuance of section 121, or to furnish copies of such lists, as required, to the assessor, or neglects to return to the treasurer a correct list of the lands which have become occupied, or built upon, as required by section 122 of this Act; or if any assessor neglects to examine the lands entered on his list, and to make returns in manner hereinbefore directed, every clerk, assessment commissioner or assessor making such default shall, on summary conviction thereof before any two Justices of the Peace having jurisdiction in the county in which the municipality is situated, be liable to the penalties imposed by sections 197, 198 and 199 of this Act ; all fines so imposed shall be recoverable by distress and sale of any goods and chattels of the person making default. R.S.O. 1897, c. 224, s. 159, *amended*.

127.—(1) Whenever it is shown to the Court of Revision or to the council of a municipality that taxes are or have become due upon land assessed in one block, which has subsequently been subdivided, the court or council, upon the application by the treasurer of the municipality or by or on behalf of any person claiming to be the owner of one or more parcels of such land, may, after notice of the application to all owners, direct the apportionment of such taxes in arrear upon the said parcels in proportion to their relative value at the time of the assessment, regard being had to all special circumstances, and the council may direct how any part payment made under section 120 is to be applied ; and upon payment of the apportionment assigned to any parcel the same shall be a satisfaction of the taxes thereon, or the court, or the council as the case may be, may make such other direction as the case may require. The provision herein contained shall be retroactive in its operation, but shall not apply to any lands which have been advertised for sale for taxes. R.S.O. 1897, c. 224, s. 74 (2) ; s. 162 ; 61 V. c. 25, s. 1, *amended*.

(2) Forthwith after an apportionment has been made the clerk shall transmit a copy of the minute or resolution to the treasurer ; who, upon receipt thereof, shall enter the same in his books, and thereafter each lot or other subdivision of the land affected shall be liable only for the amount of taxes apportioned thereto, and shall only be liable for sale for non-payment of the tax so apportioned or charged against it. R.S.O. 1897, c. 224, s. 74 (3), (4), *amended*.

**Apportion-
ment of taxes
where lands
subdivided
after assess-
ment.**

128. In cities having an assessment commissioner, where taxes are or have become due upon land assessed in one block which

which has subsequently been divided, the assessment commissioner, upon application by or on behalf of any person claiming to be an owner of one or more parcels of such land, may, after notice of the application to all the owners, make the apportionment in subsection 1 of section 127 mentioned; and thereafter the treasurer shall accept taxes apportioned to any subdivision in satisfaction of the taxes thereon, and each subdivision shall only be liable to sale for non-payment of the taxes so apportioned to or charged against it. *New*

129. An appeal may be had by any owner or owners to the Court of Revision from any apportionment made by any assessment commissioner, under section 128, and may be had by the municipality or by any owner or owners to the Judge of the County Court from any decision or apportionment of the Court of Revision given or made on appeal from the Assessment Commissioner under this section or given or made by the Court of Revision under section 127. *New.* See 3 Edw. VII., c. 21, s. 9.

130.—(1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and he may charge twenty-five cents for the search and certified statement on each separate parcel not exceeding four, and, for every additional parcel, a further fee of ten cents; but he shall not make any charge to any person who forthwith pays the taxes, R.S.O. 1897, c. 224, s. 163, amended.

(2) The certified statement aforesaid may be in the form given in Schedule K. to this Act. *New.*

131. The treasurer of every county shall keep a triplicate blank receipt book, and on receipt of any sum of money for taxes on land, shall deliver to the person making payment one of such receipts, and shall deliver to the county clerk the second of the set, with the corresponding number, retaining the third of the set in the book, the delivery of such receipts to be made to the clerk at least every three months; and the county clerk shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the person making payment; the lot on which payment is made; the amount paid; the date of payment, and the number of the receipt; and the auditors shall examine and audit such books and accounts at least once in every twelve months; and in cities, towns and other municipalities having power to sell lands for non-payment of taxes the treasurer thereof shall keep a duplicate blank receipt book, and on receipt of any sum of money for taxes on land shall deliver to the person making the payment one of such receipts, retaining the second of the set in the book; and the auditors shall examine and audit the said book and accounts at least once in every year. R.S.O. 1897, c. 224, s. 225; 62 V. (2), c. 27, s. 14.

If demanded
treasurer to
give a written
statement of
arrears.

County trea-
surers, etc., to
keep triplicate
blank receipt
books.

Audit of
books, etc.,

As to pretended receipt,
etc.

132. If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee or other municipal officer, he shall not be bound to accept the same until he has received a report from the clerk of the municipality interested, certifying the correctness thereof, or until he is otherwise satisfied that such tax has been paid. R.S.O. 1897, c. 224, s. 168.

Lands on
which taxes
unpaid to be
entered in cer-
tain books by
treasurer.

133. The treasurer of every county shall keep a separate book for each township and village, in which he shall enter all the lands in the municipality on which it appears from the returns made to him by the clerk and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due; and he shall, on the 1st day of May in every year, complete and balance his books by entering against every parcel of land, the arrears, if any, due at the last settlement, and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date. R.S.O. 1897, c. 224, s. 164.

Percentage to
be added to
arrears of
taxes.

134.—(1) In cities having a population of 100,000 or more, at the balance to be made on the 1st day of May in every year or as soon thereafter as the balance is ascertained the treasurer shall add to the whole amount of taxes due in respect of any parcel of land the legal rate of interest, but where, by the by-laws of the municipality, taxes are payable by instalments and a percentage has been added for default in payment of any instalment, the treasurer shall only add to the amount of taxes remaining unpaid upon the 1st day of May the legal rate of interest less what has already been added for such default. R.S.O. 1897, c. 224, s. 170; 3 Edw. VII., c. 21, s. 10, amended.

Ten per cent.
to be added to
arrears yearly.

(2) In other municipalities at the balance to be made on the 1st day of May in every year, the treasurer, or the county treasurer as the case may require, shall add ten per cent. to the arrears then due in respect of any parcel of land; but in the case of a municipality by the by-laws of which taxes are payable in bulk or by instalments with a percentage added for default the treasurer shall only add a further percentage, so that the whole addition shall amount to ten per cent. of the arrears. R.S.O. 1897, c. 224, s. 169, amended.

What lands
only to be
sold.

135. The treasurer shall not sell any lands for taxes which have not been included in the list furnished by him pursuant to section 121 to the clerks of the municipalities in the month of January preceding the sale nor any of the lands which have been returned to him under the provisions of section 122 of this Act as being occupied or built upon except land the

SALE OF LANDS FOR TAXES.

the arrears for which have been placed on the collector's roll of the preceding year, and have been again returned unpaid and are still in arrear in consequence of insufficient distress being found on the land. R.S.O. 1897, c. 224, s. 176, *amended*

136.—(1) Where a part of the tax on any land is in arrear for three years as provided by section 121 and subject to the provisions of section 135, the treasurer shall, unless otherwise directed by by-law of the council, submit to the warden of the county a list in duplicate of all the lands liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the name and address of the owner if known, and the warden shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature; and one of such lists shall be deposited with the clerk of the county, and the other shall be returned to the treasurer with a warrant thereto annexed, under the hand of the warden and the seal of the county, commanding the treasurer to levy upon the land for the arrears due thereon, with his costs. R.S.O. 1897, c. 224, s. 173, *amended*.

When lands
to be sold
for taxes.

Arrears due
for three years
to be levied by
warden to
treasurer.

(2) In municipalities whose officers have power to sell lands for arrears of taxes the treasurer may add to the taxes shewn in the list of lands liable to be sold for taxes, any taxes which have fallen due since those shown in the lists furnished by the treasurer to the clerk under section 121 of this Act, and have been returned by the collector to him as provided in section 113 of this Act, and the said lands may be sold as if such last mentioned taxes had been included in the statement furnished to him by the clerk, under section 121 of this Act. 62 V. (2), c. 27, s. 13 (2).

Treasurer to
have power to
add arrears
accruing after
return.

137. The treasurer shall, in each case, add to the arrears his commission or other lawful charges, and the costs of publication. R.S.O. 1897, c. 224, s. 181.

Expenses
added to
arrears.

138. The council of a county or municipality whose officers have power to sell lands for arrears of taxes may, by by-law passed for that purpose, from time to time, direct that no warrant shall issue for the sale of lands for taxes until after the expiration of a longer period than that provided by section 136, and may also direct that such lands only be included in the warrant as are chargeable with arrears exceeding a certain sum to be named in the by-law. See R.S.O. 1897, c 224, s. 174; 61 V. c. 25, s. 3, *amended*.

By-laws ex-
tending period
of three years,
etc.

139. In the list annexed to every warrant the lands mentioned therein shall be distinguished as patented, unpatented, or under lease or license of occupation from the Crown or municipality and the interest therein, if any, of the Crown or of the municipality shall be specially mentioned. *New.*

Distinguis-
hing lands in
list annexed
to warrant.

Correction
of errors by
treasurer.

140. The county treasurer may, from time to time, correct any clerical error which he himself discovers or which may be certified to him by the clerk of any municipality. R.S.O. 1897, c. 224, s. 167.

Where
distress on
premises
treasurer may
distrain.

141. If there are to the knowledge of the treasurer goods and chattels liable to distress upon any land in arrear for taxes, he shall levy the arrears of taxes and the costs by distress, and shall have the same authority to collect by distress as a collector has under the provisions of this Act; and the provisions of section 103 of this Act shall apply thereto; but no sale of the land shall be invalid by reason of the treasurer not having distrained, though there were on the land goods and chattels liable to distress before or at the time of sale. *New.*

Treasurer's
duty on re-
ceiving war-
rant to sell.

142. A treasurer shall not be bound to make inquiry before effecting a sale of land for taxes, to ascertain whether or not there is any distress upon the land; nor shall he be bound to inquire into or form any opinion of the value of the land. R.S.O. 1897, c. 224, s. 175, *amended.*

Treasurer to
prepare list of
lands to be
sold and
advertise.

143.—(1) The treasurer shall prepare a copy of the list of lands annexed to the warrant, and shall add thereto, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and for his commission or other lawful charges, distinguishing the lands as patented, unpatented, or under lease or license of occupation from the Crown, and shall cause such list to be published once a week for four weeks in *The Ontario Gazette*, and in some newspaper published within the county once a week, for thirteen weeks, and, in the case of a union of counties, in each county of the union, if there be a newspaper published in each county, and if not, in the county or counties of the union in which a newspaper is published, or if none be so published, in some newspaper published in some adjoining county. And in case there is a newspaper published in any municipality in which lands are situate, which are included in such list, or if none be so published, then in case there is a newspaper published in an adjoining municipality in said county the treasurer shall further cause a list of the lands so situate to be published in such newspaper once a week for four weeks immediately prior to the sale. R.S.O. 1897, c. 224, s. 177 (1), *amended.*

Notice to be
given in such
advertis-
ement.

(2) The advertisement shall contain a notification, that unless the arrears and costs are sooner paid, the treasurer will proceed to sell the lands for the taxes, on a day and at a place named in the advertisement. R.S.O. 1897, c. 224, s. 178.

Publication of
notice of
tax sale.

(3) Instead of advertising as in this section is provided, the treasurer may have the advertisement published in *The Ontario Gazette* as hereinbefore provided, and then publish

lish in at least two newspapers, published as in subsection 1, provided, a notice announcing that the list of lands for sale for arrears of taxes has been prepared, and that copies thereof may be had in his office, and that the list is being published in *The Ontario Gazette* (inserting the dates of such publication), and that in default of payment of the taxes, the lands will be sold for taxes. 61 V. c. 25, s. 4.

144. The day of the sale shall be more than ninety-one days after the first publication of the list in *The Ontario Gazette*. R.S.O. 1897, c. 224, s. 179, *amended*.

145. The treasurer shall also post a printed copy of the Notice to be advertisement published in *The Ontario Gazette* in some convenient and public place at the court house of the county or district, at least three weeks before the time of sale. R.S.O. 1897, c. 224, s. 180, *amended*.

146.—(1) For the purpose of tax sales the Lieutenant-Governor in Council may by order in council, divide a territorial district, and the council of any county may by by-law divide the county, into tax sale districts, each of which may contain one or more municipalities.

(2) The order in council or by-law may provide that thereafter the sales of land situate therein for arrears of taxes shall be held by the treasurer at such place in the tax sale district as may be named in the order in council or by-law.

(3) Where any such order in council or by-law is passed, provision shall be made therein, or by further order in council or by-law, respecting the payment to the treasurer of his travelling and other expenses connected with his attending tax sales.

(4) Every advertisement or notice of a tax sale shall state the name or number of the tax sale district and the place therein at which the sale will be held. R.S.O. 1897, c. 224, s. 182, *amended*.

147. If at any time appointed for the sale of the lands, no bidders appear, the treasurer may adjourn the sale from time to time. R.S.O. 1897, c. 224, s. 183.

148.—(1) If the taxes have not been previously collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes, and all lawful charges incurred in and about the sale and the collection of the taxes, selling in preference such part as he may consider best for the owner to sell first; and, in offering or selling such lands, it shall not be necessary to describe particularly

particularly the portion of the lot which is to be sold, but it shall be sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the taxes due; and the amount of taxes stated in the advertisement of sale shall, in all cases, be held to be the correct amount due. R.S.O. 1897, c. 224, s. 184 (1).

When land does not sell for full amount of taxes.

(2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, including the full amount of commission and other lawful charges and costs added under section 137, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than one week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the council of the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold for less than the full amount chargeable against the same as aforesaid shall not be at liberty to redeem the same, except upon payment of the full amount of taxes due, together with the expenses of sale and the ten per cent. provided for in section 164 of this Act. R.S.O. 1897, c. 224, s. 184 (2), amended.

Purchase by municipality of land sold for taxes.

(3) If the price offered for any land at the adjourned sale is less than the amount due for arrears of taxes, charges and costs, it shall be lawful for the municipality to purchase the same for the amount due, provided that previous notice by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised, of intention so to do has been given by the treasurer; but the owner of any land so purchased by the municipality shall not be at liberty to redeem the same except upon payment of the full amount of the taxes due, together with the expenses of sale, and also the taxes including the local improvement rates and interest thereon which would have accrued against the property if it had remained the property of the former owner, and been liable for ordinary taxation; and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed; and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed, and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the Court of Revision for such local improvement.

R.S.O. 1897, c. 224, s. 184 (3); 61 V. c. 25, s. 5; 3 Edw. VII., c. 21, s. 11, amended.

Advertising the municipality's intention to buy.

Redemption in such case.

149.—(1) The treasurers of the Townships of York, Scarborough and Etobicoke shall not be obliged to sell for taxes only a portion of any vacant lot originally laid out according to any registered plan, the frontage of which lot liable to be sold for taxes does not exceed fifty feet, but may in all such cases sell the whole of such lot or the whole of that part thereof (as the case may be) in respect of which taxes are in arrear, for the best price that may be offered by the bidders at the sale; and any money obtained by the treasurer as the price of any such lot shall be applied firstly in paying the arrears of taxes and interest and lawful expenses due in respect of such lot, and the balance, if any, shall be paid by such treasurer to the owner of such lot or to such other person as may be authorized by law to receive the same less ten per cent. of the sale price and less such charges and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same. And it shall be the duty of the person claiming such balance to produce to the treasurer proof of his or her right to recover the same; provided, however, that in the event of redemption the person redeeming shall pay ten per cent. upon the whole amount realized in respect thereof notwithstanding section 164 of this Act. 2 Edw. VII., c. 31, s. 2.

(2) Subsection 1 shall not in any way alter or affect the 58 V. c. 34, not affected. Act passed in the 58th year of the reign of Her late Majesty Queen Victoria, intituled *An Act respecting the Township of York*, or the by-laws confirmed by the said Act. R.S.O. 1897, c. 224, s. 184 (4)-(6).

150. If a purchaser fails to pay his purchase money immediately, the treasurer shall forthwith again put up the property for sale. R.S.O. 1897, c. 224, s. 191. When pur-chaser fails to pay purchase money.

151.—(1) Where the Crown, whether as represented by the Government of Canada or the Government of the Province of Ontario, has an interest in any land in respect of which taxes are in arrear, the interest only of persons other than the Crown therein shall be liable to be sold for arrears of taxes. Land in which the Crown has an interest.

(2) Where the treasurer so sells the interest of any person, it shall be distinctly expressed, in the tax deed to be made under this Act to the purchaser, that the sale is only of the interest of such person in the land, and (whether so expressed or not) the tax deed shall in no wise affect the interest or rights of the Crown in the land sold, and shall give the purchaser the same interest and rights only in respect of the land, as the person had whose interest is being sold.

(3) Where the interest so sold of any person is that of a lessee, licensee or locatee, the tax deed shall be valid without requiring the consent of the Commissioner of Crown Lands. New. See R.S.O. 1897, c. 224, ss. 172, 188, 189. (See also Section 35.)

Land purchased at tax sale, not to exceed limit fixed by Rev. Stat. c. 29.

152. No person shall be entitled to purchase at a sale for taxes, under section 148 or from a municipality which has purchased land thereunder, more unpatented land in the free grant districts than a locatee is entitled to obtain or hold under *The Free Grants and Homesteads Act.* R.S.O. 1897, c. 224, s. 185.

Sales not to be made where taxes less than \$10 or no improvements made.

153. No sale for taxes shall be made of unpatented land in the free grant districts where the taxes due thereon are less than \$10, if the lands have not been before the 27th day of May, 1893, advertised for sale, nor where no *bona fide* improvements have been made by or on behalf of the locatee. This section shall not apply to lands purchased by municipalities prior to the 27th day of May, 1893, under the enactments consolidated in said section 148. R.S.O. 1897, c. 224, s. 186.

Lands purchased to be subject to conditions of Rev. Stat. c. 29.

154. All lands in the free grant districts purchased under sale for taxes shall be subject to all the terms and conditions as to settlement or otherwise required by *The Free Grants and Homesteads Act*, unless under special circumstances the Commissioner of Crown Lands sees fit to dispense therewith in whole or in part. R.S.O. 1897, c. 224, s. 187.

Sale of interest of lessee or tenant of municipal property.

155. If the treasurer sells any interest in land of which the fee is in the city, town or other municipality in respect of which the taxes accrue, he shall only sell the interest therein of the lessee or tenant; and it shall be so distinctly expressed in the tax deed. R.S.O. 1897, c. 224, s. 190, amended.

Sale of lands for taxes not to affect collection of other rates.

156. No sale of lands for taxes or for rates under a drainage or local improvement by-law shall invalidate or in any way affect the collection of a rate which has been assessed against or imposed or charged upon such lands prior to the date of the sale, but which accrues or becomes due and payable after the rates or taxes in respect of which the sale is had became due and payable or after the sale. R.S.O. 1897, c. 224, s. 192, amended.

Certificate of Sale—Tax Deed.

Treasurer selling to give purchaser a certificate of land sold.

157. The treasurer after selling any land for taxes shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been so sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to sections 148 and 151 of this Act, will be executed by the treasurer and warden on demand, at any time after the expiration of the period hereinafter provided for redemption. R.S.O. 1897, c. 224, s. 193.

158.—(1) The purchaser shall, on the receipt of the treasurer's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the same from spoliation or waste, until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value.

Purchaser of lands sold for taxes to be deemed owner thereof, for certain purposes, on receipt of sheriff's certificate.

(2) The purchaser shall not be liable for damage done without his knowledge to the property during the time the certificate is in force. R.S.O. 1897, c. 224, s. 194.

159. From the time of a tender to the treasurer of the full amount of redemption money required by this Act, the purchaser shall cease to have any further right in or to the land in question. R.S.O. 1897, c. 224, s. 195.

160. Every treasurer shall be entitled to two and one-half per centum commission upon the sums collected by him, as aforesaid, except that where the taxes against any parcel of land are less than \$10, the treasurer shall be entitled to charge, in lieu of his commission, 25 cents; but where the treasurer is paid a salary for his services such commission may, by arrangement with the council, be paid into the funds of the municipality like any other revenue of the municipality. R.S.O. 1897, c. 224, s. 196, amended.

161. Where land is sold by a treasurer according to the provisions of section 143, and following sections of this Act, he may add the commission and other charges which he is authorized by this Act to charge for the services above mentioned, to the amount of arrears on those lands in respect of which such services have been severally performed, and in every case he shall give a statement in detail with each certificate of sale, of the arrears and costs incurred. R.S.O. 1897 c. 224, s. 197.

162. The treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot is sold, then he shall give such a general description as may enable a surveyor to lay off the piece sold on the ground; and he may make search, if necessary, in the registry office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the registry office or the government maps, where a full description cannot otherwise be obtained, such surveyor's fee not to exceed \$1; and the charges so incurred shall be included in the account and paid by the purchaser of the land sold, or the person redeeming the same. R.S.O. 1897, c. 224, s. 198.

Treasurer entitled to no other fees.

163. Except as hereinbefore provided, the treasurer shall not be entitled to any other fees or emoluments whatever for any services rendered by him relating to the collection of arrears of taxes on lands. R.S.O. 1897, c. 224, s. 199.

Owners may within one year, redeem estate sold by paying purchase money and 10 per cent. thereon.

164. Subject to the provisions of sub-sections 2 and 3 of section 148, the owner of any land sold for taxes, or his heirs, executors, administrators or assigns, or any other person, may, at any time within one year from the day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the county treasurer for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with ten per cent. thereon; and the treasurer shall give to the person paying such redemption money, a receipt stating the sum paid and the object of payment; and such receipt shall be evidence of the redemption. R.S.O. 1897, c. 224, s. 200.

Deed of sale, if not redeemed.

165.—(1) If the land is not redeemed within the period allowed for redemption, being one year from the day of sale exclusive of the day of sale as aforesaid, then the treasurer before the execution of the tax deed shall make or cause to be made search in the Registry Office and in the Sheriff's Office and ascertain whether or not there are mortgages or other incumbrances affecting the lands sold and who is the registered owner of the land.

Notice to incumbrancers.

(2) The treasurer shall forthwith send to each incumbrancer (if any) and to the registered owner by registered letter mailed to the address of such incumbrancer or owner if known to the treasurer and if such address is not known to the treasurer then to any address of such incumbrancer or owner appearing in the incumbrance or deed a notice stating that the incumbrancer or owner is at liberty within thirty days from the date of the notice to redeem the estate sold by paying to the treasurer the amount of the purchase money together with 15 per cent. thereon added thereto and the amount of the charges for the searches aforesaid and postage and \$1 for the notice, the amount aforesaid to be specified in the notice.

Receipt if arrears paid.

(3) If within the time aforesaid payment of the said amount is made by any such incumbrancer or by the owner of the land the treasurer shall give to the person making the payment a receipt stating the sum paid and the object of the payment, and the same shall be evidence of the redemption, and any incumbrancer making the payment may add the amount to his debt.

Who to be entitled to receipt.

(4) In case of payment by the owner the receipt aforesaid shall be given to him and in case of payment by one or more incumbrancers and not by the owner, the receipt shall be given to that incumbrancer who is first in priority. The amount paid by other persons shall be repaid to them.

(5) The redemption money after deducting the charges aforesaid for searches, postage and notice shall be paid by the treasurer to the tax purchaser or his assigns or other legal representatives. Payment of
redemption
money to tax
purchaser.

(6) If the redemption money is not paid within the time aforesaid the treasurer upon payment of the said charges for searches, postage and notice and \$1 for the deed, shall with the warden execute and deliver to the purchaser or his assigns or other legal representative a tax deed in duplicate of the land sold. Execution and
delivery of
deed.

(7) Such deed if requested may include any number of lots which are to be conveyed to the same person. *New.* Deed may
include
several lots.

166. The words "treasurer" and "warden" in the preceding section shall mean the person who at the time of the execution of the deed in such section mentioned holds the said office. R.S.O. 1897, c. 224, s. 202. Meaning of
"treasurer"
and "warden"

167. The tax deed shall be in the form, or to the same effect as in Schedule L to this Act, and shall state the date and cause of the sale, and the price, and shall describe the land according to the provisions of section 162 of this Act, and shall have the effect of vesting the land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold; and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear, or any error in describing the land as "patented" or "unpatented" or "held under a license of occupation" or "held under lease" or otherwise. R.S.O. 1897, c. 224, s. 203, *amended*. Contents of
deed and effect
thereof.

168.—(1) The deed shall be registered in the registry office of the registry division in which the lands are situate, within eighteen months after the sale, otherwise the persons claiming under the sale shall not be deemed to have preserved their priority as against a purchaser in good faith and for valuable consideration who has registered his deed prior to the registration of the tax deed. *See also R.S.O., Cap. 136, Sec. 90.* Deed to be
registered
within
eighteen
months to ob-
tain priority.

(2) The registrar or deputy registrar upon production of the duplicate deed, shall enter the same in the registry book, and give a certificate of such entry and registration in accordance with *The Registry Act.* R. S. O. 1897, c. 224, s. 204, *amended.* Registration
of deeds. Rev. Stat.
c. 136.

169. As respects land sold for taxes before the 1st day of January, 1851, on the receipt by the registrar of the proper county or place of a certificate of the sale to the purchaser under the hand and seal of office of the sheriff, stating the name of the purchaser, the sum paid, the number of acres and the estate or interest sold, the lot or tract of which the same forms On what cer-
tificate regis-
ters to regis-
ter sheriff's
deeds of lands
sold for taxes
before 1851.

forms part, and the date of the sheriff's conveyance to the purchaser, his heirs, executors, administrators or assigns, and on production of the conveyance from the sheriff to the purchaser, his heirs, executors, administrators or assigns, such registrar shall register any sheriff's deed of land sold for taxes before the 1st day of January, 1851; and the mode of such registry shall be the entering on record a transcript of such deed or conveyance. R.S.O. 1897, c. 224, s. 205.

Sheriff to give certificate of execution of conveyances after January 1st, 1851, and before 1st January, 1866, for registration.

170. As respects land sold for taxes after the 1st day of January, 1851, and prior to the 1st of January, 1866, the sheriff shall also give the purchaser or his assigns, or other legal representatives, a certificate under his hand and seal of office of the execution of the deed, containing the particulars in the last section mentioned; and such certificate, for the purpose of registration in the registry office of the proper registry division of any deed of lands so sold for taxes, shall be deemed a memorial thereof; and the deed shall be registered, and a certificate of the registry thereof shall be granted by the registrar, on production to him of the deed and certificate, without further proof; and the registrar shall, for the registry and certificate thereof, be entitled to seventy cents and no more. R.S.O. 1897, c. 224, s. 206.

Treasurer to enter in a book descriptions of lands conveyed to purchasers.

171. The treasurer shall enter in a book, which the county council or council of the city or town as the case may be shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall, together with all other documents relating to lands sold for taxes be by him kept among the records of his office. R.S.O. 1897, c. 224, s. 207, *amended*.

Deed to be binding if land not redeemed in one year.

172. If any part of the taxes for which any land has been sold, in pursuance of any Act heretofore in force in this Province or of this Act, had at the time of the sale been in arrear for three years as mentioned in section 121 and the land is not redeemed in one year after the sale, such sale, and the official deed to the purchaser (provided the sale was openly and fairly conducted) shall notwithstanding any neglect, omission or error of the municipality or of any agent or officer thereof in respect of imposing or levying the said taxes or in any proceedings subsequent thereto be final and binding upon the former owner of the land and upon all persons claiming by, through or under him, it being intended by this Act that the owner of land shall be required to pay the taxes thereon within three years after the same are in arrear or redeem the land within one year after the sale thereof; and in default of the taxes being paid or the land being redeemed as aforesaid, the right to bring an action to set aside the said deed or to recover the said land shall be barred.

173. Wherever land is sold for taxes and a tax deed thereof has been executed, the sale and the tax deeds shall be valid and binding, to all intents and purposes, except as against the Crown, unless questioned before some Court of competent jurisdiction within two years from the time of sale. R. S. O. 1897, c. 224, s. 209, amended.

174. In all cases where land has been validly sold for taxes, the conveyance by the officer who made the sale, or by his successors in office, shall not be invalid by reason of the statute under the authority whereof the sale was made having been repealed at and before the time of such conveyance, or by reason of the officer who made the sale having gone out of office. R. S. O. 1897, c. 224, s. 210.

175. In all cases where land is sold for arrears of taxes whether such sale is or is not valid, then so far as regards rights of entry adverse to any *bona fide* claim or right, whether valid or invalid, derived mediately or immediately under such sale, section 8 of *The Act respecting the Law and Transfer of Property* shall not apply, to the end and intent that in such cases the right or title of person claiming adversely to any such sale shall not be conveyed where any person is in occupation adversely to such right or title, and that in such cases the Common Law and sections 2, 4 and 6 of the statute passed in the 32nd year of the reign of King Henry VIII., and chaptered 9, be revived, and the same are and shall continue to be revived. R. S. O. 1897, c. 224, s. 211.

176.—(1) In all cases (not being within any of the exceptions and provisions of subsection 3 of this section), where land having been legally liable to be assessed for taxes, is sold for arrears of taxes, then in case an action is brought for the recovery of the land and the sale is held to be invalid, damages shall be assessed for the defendant for the amount of the purchase money at the sale and interest thereon, and of all taxes paid by the defendant in respect of the lands since the sale and interest thereon, and of the value of any improvements made by the defendant before the commencement of the action, or by any person through or under whom he claims, less all just allowances for the timber sold off the lands, and all other just allowances to the plaintiff, and the value of the land to be recovered shall also be assessed less the value of any such improvements. *Amended.*

(2) If a judgment is pronounced for the plaintiff, no writ of possession shall issue until the expiration of one month thereafter nor until the plaintiff has paid into Court for the defendant the amount of such damages; or, if the defendant desires to retain the land, he may retain it, on paying into Court within the said period of one month, or on or before any subsequent day to be appointed by the Court, the value of the land

The plaintiff to pay damages into court before writ of possession issues, or tax purchaser may elect to retain the land on the paying its value.

land as assessed at the trial; after which payment, no writ of possession shall issue, but the plaintiff on filing in Court for the defendant a sufficient release and conveyance to the defendant, of his right and title to the land in question, shall be entitled to the money so paid in by the defendant.

**When section
not to apply ;**

**if taxes paid
before sale ;**

**if land
redeemed ;**

**in case of
fraud.**

**Where the
plaintiff is not
tenant in fee,
or in tail
the value of
the land to
be paid into
High Court.**

(3) This section shall not apply in the following cases :

(a) If the taxes for non-payment whereof the land was sold have been fully paid before the sale;

(b) If, within the period limited by law for redemption the amount paid by the purchaser, with all interest payable thereon, has been paid or tendered to the person entitled to receive such payment, with a view to the redemption of the lands;

(c) Where on the ground of fraud or evil practice by the purchaser at such sale, a Court would grant equitable relief. R.S.O. 1897, c. 224, s. 212, amended.

177.—(1) In any of the cases named in the preceding section wherein the plaintiff is not tenant in fee simple, or fee tail, the payment into Court to be made as aforesaid, of the value of the land, by the defendant desiring to retain the land, shall be into the High Court; and the plaintiff and all parties entitled to and interested in the said lands, as against the purchaser at such sale for taxes, on filing in the High Court, a sufficient release and conveyance to the defendant of their respective rights and interests in the land, shall be entitled to the money so paid in such proportions and shares as to the High Court, regarding the interests of the various parties, seems proper.

**Where the
defendant is
not tenant in
fee, the value
of improve-
ments, etc., to
be paid into
High Court.**

**Any other
person inter-
ested may pay
in value
assessed if
defendant
does not.**

(2) In any of such cases wherein the defendant is not tenant in fee simple or fee tail, the payment of damages into Court to be made as aforesaid by the plaintiff shall be into the High Court. R.S.O. 1897, c. 224, s. 213.

178.—(1) If the defendant does not pay into Court, the value of the land assessed as aforesaid, within the period of one month, or on or before any subsequent day appointed by the Court, as mentioned in subsection 2 of section 176, any other person interested in the land under the sale or conveyance for taxes may, within ninety days after the date of the pronouncing of the judgment in sub-section 2 of section 176 mentioned, or before any subsequent day appointed by the Court as in said subsection mentioned, for payment by the defendant, pay into Court the said value of the land; and till the expiration of the time within which such payment may be made, and after such payment, no writ of possession shall issue.

(2) The defendant or other person so paying in shall be entitled as against all others interested in the land under the sale or conveyance for taxes, to a lien on the land for such amount as exceeds the proportionate value of his interest enforceable in such manner and in such shares and proportions as to the High Court, regarding the interests of the various parties, and on hearing the parties, seems fit. R.S.O. 1897, c. 224, s. 214; and see Sec. 176 (2)

179. In case the defendant or any other person interested pays into Court in manner aforesaid, the plaintiff shall be entitled to the amount so paid in, on filing in Court a sufficient release and conveyance to the person so paying in, of all his right and title to the lands, in which release and conveyance it shall be expressed that the same is in trust for such person, to secure his lien as aforesaid. R. S. O. 1897, c. 224, s. 215.

180. If the value of the land is not paid into Court as above provided, the damages paid into the High Court shall be paid out to the various persons, who, if the sale for taxes were valid would be entitled to the land, in such shares and proportions as to the High Court, regarding the interests of the various parties, seems fit. R.S.O. 1897, c. 224, s. 216.

181.—(1) In all actions for the recovery of land in which both the plaintiff, (if his title were good) would be entitled in fee simple or fee tail, and the defendant (if his title were good) would be also so entitled, if the defendant, at the time of appearing gave notice in writing to the plaintiff in such action or to his solicitor named in the writ, of the amount claimed, and that on payment of such amount, the defendant or person in possession will surrender the possession to the plaintiff; or that he desired to retain the land, and was ready and willing to pay into Court a sum mentioned in the said notice as the value of the land, and that the defendant did not intend at the trial to contest the title of the plaintiff; and if the jury, or the Judge, if there be no jury, before whom the action is tried, assess damages for the defendant as provided in the next preceding five sections and it satisfactorily appears that the defendant does not contest the action for any other purpose than to retain the land on paying the value thereof, or to obtain damages, the Judge before whom the action is tried, shall certify such fact upon the record, and thereupon the defendant shall be entitled to the costs of the defence, in the same manner as if the plaintiff had been nonsuited on the trial, or a verdict had been rendered for the defendant.

(2) If on the trial it is found that such notice was not given as aforesaid, or if the Judge or jury assess for the defendant a less amount than that claimed in the notice, or find that the defendant

defendant had refused to surrender possession of the land after tender made of the amount claimed, or, (where the defendant has given notice of his intention to retain the land), that the value of the land is greater than the amount mentioned in the notice, or that he has omitted to pay into Court the amount mentioned in the notice for thirty days after the plaintiff had given to the defendant a written notice that he did not intend to contest the value of the land, the Judge shall not certify, and the defendant shall not be entitled to the costs of the defence, but shall pay costs to the plaintiff; and upon the trial of any action after such notice, no evidence shall be required in proof of the title of the plaintiff. R.S.O. 1897, c. 224, s. 217.

Tax purchaser without other remedy whose title is invalid to have a lien on the land for purchase money, etc.

182. In any case in which the title of the tax purchaser is not valid, or in which no remedy is otherwise provided by this Act, the tax purchaser shall have a lien on the lands for the purchase money paid at the sale, and interest thereon at the rate of ten per cent. per annum, and for the taxes paid by him since the sale and interest thereon at the rate aforesaid, to be enforced against the land in such proportions as regards the various owners, and in such manner as the High Court thinks proper. R.S.O. 1897, c. 224, s. 218.

Contracts between tax purchaser and original owner continued.

183. No valid contract entered into between any tax purchaser and original owner, in regard to any land sold or assumed to have been sold for taxes, as to purchase, lease or otherwise, shall be annulled or interfered with by this Act, but such contract and all consequences thereof, as to admission of title or otherwise shall remain in force as if this Act had not been passed. R.S.O. 1897, c. 224, s. 219.

Sections 175 to 183, not to apply where the owner has occupied since sale.

184. Nothing in the next preceding nine sections of this Act shall affect the right or title of the owner of any land sold for taxes, or of any person claiming through or under him, where such owner at the time of the sale was in occupation of the land, and the same has since the sale been in the occupation of such owner or of those claiming through or under him. R.S.O. 1897, c. 224, s. 220.

Construction of "Tax-purchaser," "Original owner."

185. In the construction of the next preceding eleven sections of this Act, occupation by a tenant shall be deemed the occupation of the reversioner; and the words "tax purchaser" shall apply to any person who purchases at any sale under colour of any statute authorizing sale of land for taxes and shall include and extend to all persons claiming through or under him; and the words "original owner" shall include and extend to any person who, at the time of such sale, was interested in or entitled to the land sold, or assumed to be sold, and to all persons claiming through or under him. R.S.O. 1897, c. 224, s. 222.

ARREARS OF TAXES IN CITIES AND TOWNS.

186. In cities and towns arrears of taxes shall be collected and managed in the same way as is hereinbefore provided in the case of other municipalities; and for such purposes the municipal officers of cities and towns shall perform the same duties and have the same powers as the like officers in other municipalities under sections 116 to 185; and the treasurer and mayor of every city or town shall, for such purposes, also perform the like duties as are hereinbefore, in the case of other municipalities, imposed on the county treasurer and warden respectively, and shall have the like powers; and words referring to the county treasurer or warden shall as to a city or town be taken and deemed to refer to the mayor and treasurer of such city or town. Provided, however, that in cities and towns the performance of any such duty after the date or within a longer time than hereinbefore set out shall not render any proceeding under this Act invalid or illegal so long as the provisions of this Act are in other respects duly complied with. R.S.O. 1897, c. 224, s. 224, amended; 3 Edw. VII., c. 21, s. 12.

ARREARS OF TAXES IN CERTAIN TOWNSHIPS.

187.—(1) All powers conferred upon cities and towns by section 186 of this Act, or any of the sections referred to in that section, and all duties imposed by said sections upon the officers of such cities and towns, and the mayors thereof, shall hereafter be vested in and apply to the Townships of York, Scarborough and Etobicoke, in the County of York, and to the reeves of said townships, and for the purposes of the collection of arrears of taxes on lands therein and the sale of such lands for taxes, the said townships shall be considered as towns, and wherever the word "town" occurs in any of the said sections it shall be held to apply to and include the said townships, and wherever the word "mayor" occurs in the said sections it shall be held to apply to the reeve of each of the said townships for the time being. R.S.O. 1897, c. 224, s. 226 (1), amended. [For similar provisions as to the Village of East Toronto, see 60 V. c. 46, s. 2].

(2) This section shall not in any way alter or affect the Act passed in the 58th year of Her late Majesty's reign and chaptered 94 or the by-laws confirmed thereby. R.S.O. 1897, c. 224 s. 226 (2).

58 V. c. 94,
not affected.

DEFICIENCY FROM NON-PAYMENT OF CERTAIN TAXES PROVIDED FOR.

188. Every municipal council, in paying over any school or local rate, or its share of any county rate, or of any other tax or rate lawfully imposed for Provincial or local purposes, shall supply, out of the funds of the municipality, any deficiency.

Deficiencies in
certain taxes
to be supplied
by local
municipality.

ency arising from the non-payment of the tax, but shall not be held answerable for any deficiency arising from the abatement of, or inability to collect, any taxes other than for county rates. R.S.O. 1897, c. 224, s. 223.

DEBENTURES ON CREDIT OF ARREARS OF TAXES.

Issue of debentures on credit of arrears of taxes au'horized.

189.—(1) The council of any municipality, whose officers have power to sell lands for arrears of taxes, may from time to time, without the assent of the ratepayers, by by-law authorize the mayor or other head of the municipality to issue, under the corporate seal, upon the credit of the taxes in arrear in the municipality, debentures payable not later than eight years after the date thereof, and for sums not less than \$100 each, so that the whole of the debentures at any time issued and unpaid do not exceed one-half of all the arrears then due and owing upon land in the municipality, together with the money standing to the credit of the special fund hereinafter provided.

(2) Such debentures shall be negotiated by the mayor or other head of the municipality and treasurer, and all money received in payment of taxes upon the security of which such debentures are issued shall be set apart as a special fund out of which to pay the debentures and interest thereon.

(3) If at any time there is not to the credit of such special fund sufficient money to redeem the debentures due and accrued interest, such debentures and interest shall be payable out of the general funds of the municipality, and the payment thereof may be enforced in the same manner as is by law provided in the case of other debentures. 62 V. (2), c. 27, s. 15, *amended.*

ARREARS OF TAXES IN NEW MUNICIPALITIES.

On incorporation of a town, county treasurer to transmit list of arrears to town treasurer.

190. Upon the incorporation of any new town, in any county, the county treasurer shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situated in the newly incorporated town, and shall transmit the same to the treasurer of the town, who, after receipt of the said list, shall have, with the mayor, all the powers possessed by the county treasurer and warden for the collection of such taxes and for enforcement of the same by sale; but in such list the county treasurer shall not include any lot then advertised for sale for taxes. R.S.O. 1897, c. 224, s. 227.

Arrears of taxes, now collected where new municipality formed.

191. In cases where a new local municipality is formed from two or more municipalities or portions of two or more municipalities situated in different counties, the collection of arrears of taxes due at the time of formation shall be made by the treasurer of the county in which the new municipality is situate, if the new municipality is a township or village, or if

if the new municipality is a town, by the treasurer of such town; and for the purpose of enabling him to make the collection, the treasurer or the treasurers of the other county or counties from which any portion of the new municipality is detached, shall immediately upon the formation thereof make out lists of the arrears of taxes then due in their respective portions, and transmit the same to the treasurer of the county in which the new municipality is situate, or of the town (as the case may be); and where a new municipality is formed from two or more municipalities situate in any one county, the treasurer shall keep a separate account for such new municipality. R.S.O. 1897, c. 224, s. 228.

192. The treasurer and warden of the county in which the new municipality, if it be a township or village, is situate, and the treasurer and mayor of the new municipality, if it be a town, shall have power, respectively, to take for the collection of such arrears of taxes all the proceedings which treasurers and wardens or treasurers and mayors can take for the sale and conveyance of land in arrear for taxes; and in case the lands in the new municipality have been advertised by the treasurer or treasurers of the county or counties of which the new municipality formed part before its formation, the sale of such lands shall be completed in the same manner as if such new municipality had not been formed. R.S.O. 1897, c. 224, s. 229.

Who may
take proceed-
ings to enforce
collection.

193. Where a municipality or part of a municipality has been or is hereafter separated from one county and included in another after a return has been made to the treasurer of the county to which it formerly belonged, of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the former county, such treasurer shall return to the treasurer of the county to which such territory belongs a list of all the lands within such territory returned as in arrear for taxes and not advertised; and the treasurer and warden of the county to which the territory belongs shall have power respectively to take all the proceedings which treasurers and wardens under this Act can take for the sale and conveyance of lands in arrear for taxes; but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyances of lands previously sold shall be made in like manner. R.S.O. 1897, c. 224, s. 230.

Proceedings
where returns
made to
treasurer
before
separation.

194. Where a municipality or any part of a municipality has been or is hereafter separated from a county and included in a city or town separated from the county for municipal purposes, after a return has been made to the treasurer of the county of lands in arrear for taxes, but the lands have not been

Sales for
taxes on lands
wh ch have
be n annexed
to city or
separated
town.
been

been advertised for sale by the treasurer of the county, such treasurer shall return to the treasurer of the city or town a list of all the lands within such territory returned as in arrear for taxes and not advertised; and the treasurer and mayor of the city or town shall have power to take all the proceedings which treasurers and wardens under this Act can take for the sale and conveyance of lands in arrear for taxes; but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyance of lands previously sold shall be made in like manner. R.S.O. 1897, c. 224, s. 231.

RESPONSIBILITY OF OFFICERS.

Security by
treasurers and
collectors.

195. Every treasurer and collector, before entering on the duties of his office, shall enter into a bond to the corporation for the faithful performance of his duties. R. S. O. 1897, c. 224, s. 247.

Bonds with
sureties.
3 Edw. VII.,
c. 19.

196. Subject to the provisions of section 323 of *The Consolidated Municipal Act, 1903*, as to accepting the bonds or policies of guarantee of incorporated companies, such bond shall be given by the officer and two or more sufficient sureties, in such sum and in such manner as the council by any by-law in that behalf may require and shall conform to all the provisions of such by-law. R.S.O. 1897, c. 224, s. 248, amended.

Penalty on
officers failing
to perform
their duty,
and how
enforced.

197. If any treasurer, assessor, clerk or other officer refuses or neglects to perform any duty required of him by this Act, he shall, upon conviction thereof before any Court of competent jurisdiction in the county in which he is treasurer, assessor, clerk or other officer, forfeit to His Majesty such sum as the Court may order and adjudge, not exceeding \$100. R.S.O. 1897, c. 224, s. 249.

Other asses-
sors may act
for those in
default.

198. If an assessor neglects or omits to perform his duties the other assessor, or other assessors (if there be more than one for the same locality), or one of such assessors, shall, until a new appointment, perform the duties; and any council may, after an assessor neglects or omits to perform his duties, appoint some other person to discharge such duties; and the assessor so appointed shall have all the powers and be entitled to all the emoluments which appertain to the office. R. S. O. 1897, c. 224, s. 250.

Punishment
of clerks,
assessors, etc.,
making
fraudulent
assessments,
etc.

199. If any clerk, treasurer, assessment commissioner, assessor or collector, or any assistant or other person in the employment of the municipality, acting under this Act, makes an unjust or fraudulent assessment or collection, or copy of any assessor's or collector's roll, or wilfully and fraudulently inserts,

inserts, or permits to be inserted, therein the name of any person which should not be entered, or fraudulently omits, or allows to be omitted, the name of any person which should be entered, or wilfully omits any duty required of him by this Act, he shall, upon conviction thereof before a Court of competent jurisdiction be liable to a fine not exceeding \$200, and to imprisonment until the fine is paid, in the common gaol of the county or city for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court. R.S.O. 1897, c. 224, s. 251, *amended*.

200. An assessor convicted of having made any wilfully unjust or fraudulent assessment, shall be sentenced to the greatest punishment, both by fine and imprisonment, allowed by this Act. R.S.O. 1897, c. 224, s. 253, *amended*. Punishment of culpable assessors.

201. If any assessor of any township, village or ward, except in the cases provided for by sections 53 and 56 of this Act, neglects or omits to make out and complete his assessment roll for the township, village or ward, and to return the same to the clerk of such township or village, or of the city or town in which such ward is situated, or to the proper officer or place of deposit of such roll, on or before the 1st day of September of the year for which he is assessor, every such assessor so offending shall forfeit for every such offence the sum of \$200, one moiety thereof to the use of the municipality and the other moiety, with costs, to such person as may sue for the same in any Court of competent jurisdiction ; but nothing herein contained shall be construed to relieve any assessor from the obligation of returning his assessment roll at the period required elsewhere by this Act, or from the penalties incurred by him for not returning the same accordingly. R.S.O. 1897, c. 224, s. 254. Penalty for not making and completing assessment rolls by the proper time.

202. If a collector refuses or neglects to pay to the proper treasurer, or other person legally authorized to receive the same, the sums contained in his roll, or duly to account for the same as uncollected, the treasurer shall, within twenty days after the time when the payment ought to have been made, issue a warrant, under his hand and seal, directed to the sheriff of the county or city (as the case may be), commanding him to levy of the goods, chattels, lands and tenements of the collector and his sureties, such sum as remains unpaid and unaccounted for, with costs, and to pay to the treasurer the sum so unaccounted for, and to return the warrant within forty days after the date thereof. R.S.O. 1897, c. 224, s. 255. Proceedings for compelling collectors to pay over moneys collected to the proper treasurer.

203. The treasurer shall immediately deliver the warrant to the sheriff of the county or city, as the case may require. R.S.O. 1897, c. 224, s. 256. Warrant to be delivered to sheriff, etc.

Sheriff, etc.,
to execute it,
and pay
money levied.

204. The sheriff to whom the warrant is directed shall within forty days, cause the same to be executed and make return thereof to the treasurer, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation as upon writs of execution issued out of courts of record. R.S.O. 1897, c. 224, s. 257.

Mode of com-
pelling sheriff,
etc., to pay
over.

205. If a sheriff refuses or neglects to levy any money when so commanded, or to pay over the same, or makes a false return to the warrant, or neglects or refuses to make any return, or makes an insufficient return, the treasurer may, upon affidavit of the facts, apply in a summary manner to the High Court, or to a Judge thereof, for an order *nisi* or summons calling on the sheriff to answer the matter of the affidavit. R.S.O. 1897, c. 224, s. 258.

When return-
able.

206. The order *nisi* or summons shall be returnable at such time as the Court or Judge directs. R.S.O. 1897, c. 224, s. 259.

Hearing on
return.

207. Upon the return of the order *nisi* or summons, the Court or Judge may proceed in a summary manner upon affidavit, and without formal pleading, to hear and determine the matter of the application. R.S.O. 1897, c. 224, s. 260.

Fi. fa. to the
coroner to
levy the
money.

208. If the Court or Judge is of opinion that the sheriff has been guilty of the dereliction alleged against him, the Court or Judge shall order the proper officer of the Court to issue a writ of *fieri facias*, adapted to the case, directed to a coroner of the county in which the municipality is situate, or to a coroner of the city or town (as the case may be) for which the collector is in default. R.S.O. 1897, c. 224, s. 261.

Tenor of such
writ.

209. The writ shall direct the coroner to levy of the goods and chattels of the sheriff, the sum which the sheriff was ordered to levy by the warrant of the treasurer, together with the costs of the application and of the writ and of its execution; and the writ shall bear date on the day of its issue, and shall be returnable forthwith on its being executed; and the coroner, upon executing the same, shall be entitled to the same fees as upon a writ grounded upon a judgment of the Court. R.S.O. 1897, c. 224, s. 262.

Execution
thereof.

Fees.

Penalty on
sheriff if no
other imposed.

210. If a sheriff wilfully omits to perform any duty required of him by this Act, and no other penalty is hereby imposed for the omission, he shall be liable to a penalty of \$200, to be recovered from him in any Court of competent jurisdiction at the suit of the treasurer of the municipality affected thereby. R.S.O. 1897, c. 224, s. 263.

Payment of
money col-
lected for the
Province.

211. All money assessed, levied and collected for the purpose of being paid to the Treasurer of the Province, or to any other

other public officer, for the public uses of the Province, or for any special purpose or use mentioned in the Act under which the same is raised, shall be assessed, levied and collected by, and accounted for and paid over to the same persons, in the same manner, and at the same time as taxes imposed on the same property for county, city or town purposes and shall be deemed and taken to be money collected for the county, city or town, so far as to charge every collector, or treasurer with the same, and to render him and his sureties responsible therefor, and for every default or neglect in regard to the same, in like manner as in the case of money assessed, levied and collected for the use of the county, city or town. R.S.O. 1897, c. 224, s. 264.

212. All money collected for county purposes, or for any of the purposes mentioned in the preceding section, shall be payable by the collector to the township, town or village treasurer, and by him to the county treasurer; and the corporation of the township, town or village shall be responsible therefor to the corporation of the county. R.S.O. 1897, c. 224, s. 265.

213. Any bond or security given by the collector or treasurer to the corporation of the township, town or village, to account for and pay over all money collected or received by him, shall apply to money collected or received for county purposes, or for any of the purposes mentioned in section 220. R.S.O. 1897, c. 224, s. 266.

214. The treasurer of every township, town or village shall on or before the 31st day of December in each year pay to the treasurer of the county, all money then collected in the municipality for county purposes and shall within fourteen days after the time appointed for the final settlement of the collector's rolls, pay to the treasurer of the county any balance remaining unpaid of the money by law required to be levied and collected in the municipality for county purposes, or for any purpose mentioned in section 211 of this Act. R.S.O. 1897, c. 224, s. 267.

215. If default be made in such payment, the county treasurer may retain or stop a like amount out of any money which would otherwise be payable by him to the municipality, or may recover the same by an action against the municipality, or where the same has been in arrear for three months, he may, by warrant under his hand and seal, reciting the facts, direct the sheriff of the county to levy and collect the amount due with interest and costs from the municipality in default. R.S.O. 1897, c. 224, s. 268.

216. The sheriff, upon receipt of the warrant, shall levy and collect the amount, with his own fees and costs in the same manner How sheriff to make levy.

How money
collected for
county pur-
poses to be
paid over.

Collectors or
treasurers
bound to ac-
count for all
moneys col-
lected by
them.

Local treas-
urer to pay
over county
moneys to
county
treasurers.

Warrant to
sheriff.

3 Edw. VII, c. 19. manner as is provided by *The Consolidated Municipal Act, 1903*, in case of writs of execution. R.S.O. 1897, c. 224, s. 269.

Treasurer, etc., to account for and pay over Crown moneys.

217. The county, city or town treasurer shall be accountable and responsible to the Crown for all money collected for any of the purposes mentioned in section 211 of this Act, and shall pay over such money to the Treasurer of the Province. R.S.O. 1897, c. 224, s. 270.

Municipality responsible for such moneys.

218. Every county, city and town shall be responsible to His Majesty, and to all other persons interested, that all money coming into the hands of the treasurer of the county, city or town in virtue of his office, shall be by him duly paid over and accounted for according to law. R.S.O. 1897, c. 224, s. 271.

Treasurer, etc., responsible to county, etc.

Bonds to apply.

219. The treasurer, and his sureties shall be responsible and accountable for such money to the county, city or town; and any bond or security given by them for the duly accounting for and paying over money belonging to the county, city or town, shall apply to all money mentioned in section 211 and may be enforced against the treasurer or his sureties, in case of default. R.S.O. 1897, c. 224, s. 272.

Bonds to apply to school moneys.

220. The bond of the treasurer and his sureties shall apply to school money, and to all public money of the Province; and, in case of default, His Majesty may enforce the responsibility of the county, city or town, by stopping a like amount out of any public money which would otherwise be payable to the county, city or town or to the treasurer thereof, or by action against the corporation. R.S.O. 1897, c. 224, s. 273.

City, etc., responsible for default of treasurer, etc.

Oaths and affidavits.

221. Any person aggrieved by the default of the treasurer, may recover from the corporation of the county, city or town, the amount due or payable to such person as money had and received to his use. R.S.O. 1897, c. 224, s. 274.

MISCELLANEOUS.

222. Any affidavit or oath required by this Act to be made may be made before any Justice of the Peace having jurisdiction in the municipality or any commissioner for taking affidavits in the county or any notary public for the Province. *New.*

Penalty for tearing down notices, etc.

223. If any person wilfully tears down, injures or defaces any advertisement, notice or other document, which is required by this Act to be posted up in a public place for the information of persons interested, he shall, on conviction thereof in a summary way before any Justice of the Peace having jurisdiction in the county, city or town, be liable to a fine of \$20. R.S.O. 1897, c. 224, s. 275.

224. The fines and forfeitures authorized to be summarily imposed by this Act, shall, when not otherwise provided, be levied and collected by distress and sale of the offender's goods and chattels, under authority of a warrant of distress to be issued by a Justice of the Peace of the county, city or town; and, in default of sufficient distress, the offender shall be committed to the common gaol of the county, and be there kept at hard labour for a period not exceeding one month. R.S.O. 1897, c. 224, s. 276.

225. When not otherwise provided all penalties recovered under this Act shall be paid to the treasurer to the use of the municipality. Application of penalties. R.S.O. 1897, c. 224, s. 277.

226. This Act shall not affect the terms of any agreement made with a municipality, or any by-law heretofore or hereafter passed by a municipal council under any other Act for fixing the assessment of any property, or for commuting or otherwise relating to municipal taxation. But whenever in any Act of this Legislature or by any Proclamation of the Lieutenant-Governor in Council or by any valid by-law of a municipality heretofore passed or by any valid agreement heretofore entered into the assessment of the real and personal property of any person in a municipality is fixed at a certain amount for a period of years, unexpired at the time of the coming into force of this Act, or the taxes payable annually by any person in respect to the real and personal property are fixed at a stated amount during any such period, or the real and personal property of any person or any part thereof is exempt from municipal taxation in whole or in part for any such period, such fixed assessment, or commutation of taxes or exemption shall be deemed to include any business assessment or other assessment and any taxes thereon in respect to the property or business mentioned in such Act, Proclamation, by-law or agreement to which such person or the property of such person would otherwise be liable under the provisions of this Act. *New.*

227. Notwithstanding anything contained in this Act, all assessments made, collectors' rolls prepared, and acts and things authorized to be done under *The Assessment Act* and amendments thereto hereby repealed, shall, notwithstanding the repeal of the said Act and amendments be and remain good, valid and subsisting, and if any assessments are adopted by councils of municipalities in the year 1905 where such assessments are made in the year 1904 for the next year, the assessments so adopted shall be legal and be binding upon all parties thereto as if the said Acts and amendments had not been repealed, but the taxes which may be imposed or levied under such assessments and all taxes due and remaining unpaid in any collectors' rolls in the hands of collectors of taxes or

Confirmation of assessments, etc., prior to commencement of Act.

or treasurers or other officers at the time of the repealing of the said Acts and amendments shall be collected in the manner and under the procedure provided in this Act.

**Enactments
repealed.**

228. Subject to the provisions of the next two preceding sections the Acts and parts of Acts in Schedule M hereto are hereby repealed to the extent mentioned in said Schedule.

**Commencement
of Act.**

229. This Act shall come into force and take effect on, from and after the first day of January, 1905.

SCHEDULE A.

(Section 8.)

FORM OF AFFIDAVIT TO BE MADE BY A PERSON DESIRING TO BE ASSESSED IN RESPECT OF EXEMPTED INCOME.

I, make oath and say as follows :
 (1) I am and I am a resident in the
 of residing at (giving where possible name of street and
 number of house).

(2) I am in receipt of an annual income of \$

(3) I desire to be assessed in respect of such income, for the purpose of being entitled to vote at municipal elections, and that my name be duly entered in the assessment roll accordingly for the current year.

Sworn before me at in the County }
 of this day of 19 . }
 J.P., etc. } J.S.

SCHEDULE B.

(Section 24.)

FORM 1.

FORM OF AFFIDAVIT BY PERSONS CLAIMING TO BE PLACED ON THE ASSESSMENT ROLL AS A VOTER.

I, make oath and say as follows :

I am a British subject by birth (or naturalization), and I have resided in this Province for the nine months next preceding the day of in the present year (the day to be filled in here is the date on which by Statute or by-law the Assessor is to begin making his roll.)

I was at the said date in good faith a resident of and domiciled in (giving name of municipality for which the assessor is making his roll), and I have resided therein continuously from the said date, and I now reside therein at (here give the deponent's residence by the number thereof if any and

and the street or locality whereon or wherein the same is situated, if in a town or village. If the residence is in a township, give the concession wherein, and the lot or part of lot whereon it is situated.)

I am of the full age of 21 years, and am not disqualified from voting at elections for the Legislative Assembly of Ontario.

(This oath may be taken before any Assessor or any Justice of the Peace, Commissioner for taking Affidavits, or Notary Public.)

R.S.O. 1897, c. 224, Sched. B., Form 1.

FORM 2.

FORM OF AFFIDAVIT FOR SAME PURPOSE AS FORM 1.

But where the person has been temporarily absent from the municipality.

I, _____, make oath and say as follows:

I was at the said date in good faith a resident of and domiciled in----
(giving name of municipality for which the assessor is making his roll) and have resided therein continuously from the said date, and I now reside therein at (here give the deponent's residence, by the number thereof, if any, and the street or locality whereon or wherein the same is situated if in a town or village. If the residence is in a township, give the concession wherein and lot or part of lot whereon it is situated.)

And I have not been absent from this Province during the said nine months except occasionally or temporarily in the prosecution of my occupation as (*mentioning as the case may be, a lumberman, or mariner, or fisherman, or as a student in attendance in an institution of learning in the Dominion of Canada, naming the institution if absent as student.*)

I am of the full age of 21 years, and am not disqualified from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at in the County
of this day of 19 }
(Signature of J.P., or Commissioner, etc.) } (Signature of Voter.)

(The oath may be taken before any Assessor or any Justice of the Peace, Commissioner for taking Affidavits, or Notary Public.)

R.S.O. 1897, c. 224, Sched. B., Form 2.

SCHEDULE

SCHEDEULE C.

(Section 29.)

CENSUS of all children between the ages of eight and fourteen in the city, town, village or township, (*as the case may be,*) of

Name of Child.	Age.	Parent or Guardian.	Residence.

R.S.O. 1897, c. 224, Sched. C.

SCHEDEULE D.

(Section 33, sub-section 6.)

Form of notice by non-resident owner of land requiring to be assessed therefor.

To the Clerk of the Municipality of

Take notice that I (*or we*) own the land hereunder mentioned, and require to be assessed, and to have my name (*or our names*) entered therefor on the Assessment roll of the Municipality of

That my (*or our*) full name (*or names*), place of residence and Post Office Address, are as follows:

*A.B., of the Township of York, shoemaker, Weston Post Office (*as the case may be*). Description of land (*here give such description as will readily lead to the identification of the land*).*

Dated the day of , 19

C.D.

Witness, G.H.

R.S.O. 1897, c. 224, Sched. A.

SCHEDEULE E.

(Section 18.)

FORMS OF ASSESSMENT RETURNS.

NOTICE TO RATEPAYERS.

(City of)

Pursuant to *The Assessment Act* you are hereby required to fill up such of the following returns as are applicable to your case, and to deliver the same to me at my office No. Street, within ten days from the delivery or mailing, as the case may be, to you of this notice, under the penalty contained in the said Act for neglect so to do.

Dated this day of 19

Assessor.
No.

SCHEDULE E.

No. 1.

GENERAL RETURN.

(Section 18.)

TOWNSHIP OF
CON.(or CITY, TOWN or VILLAGE) OF
STREET

Names and description of persons assessed.	Description of Real Property.					Assessed values of Land and Buildings.						Statistics.						Remarks.										
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	22	23	24	25	26	28	29	30	32		
Name (surname first) of Person taxable (owners and tenants of land and persons otherwise taxable).	Age.	Freeholder or tenant, M.F. or F.S.	Ocupation and in the case of fee-males S.M. or W., and in case of non-resident N.H.	Street or road, or in the case of man-for-land, or in the case of meadow, swamp, marsh or waste land.	Number of acres of such division, or in the case of meadow, swamp, marsh or waste land, etc., in such a manner as to show the extent of the property.	Number of acres of other meadow, swamp, marsh or waste land upon which the land lies or is assessable in the case of man-for-land, or in the case of meadow, swamp, marsh or waste land, etc., in such a manner as to show the extent of the property.	Number of acres of other meadow, swamp, marsh or waste land upon which the land lies or is assessable in the case of man-for-land, or in the case of meadow, swamp, marsh or waste land, etc., in such a manner as to show the extent of the property.	Value of land exclusive of buildings.	Total value of real property.	Total value of land liable for school rates only.	Total value of land liable for property exempt from taxation, or liable for local improvement taxes only.	Number of acres of school section.	Public or Separate School sup.-porter-(P. or S.).	Number of children between the ages of 5 and 21.	Number of children between the ages of 5 and 16.	Number of children between the ages of 3 and 16.	Number of premises in the family of person rated as a resident, including such person and all other persons residing on the premises.	Number of dogs.	Number of dogs' labour.	Dog Tax.	Statute Labour.							
Sworn before me at _____ in the County of _____ this day of _____ A.D. 19_____. OATH.																												

Examples

I hereby make oath that I have knowledge of the particulars contained in the foregoing statement and that the same are in every respect fully and truly stated to the best of my knowledge and belief.
Sworn before me at _____ in the County of _____ this day of _____ A.D. 19_____.
Signature.

EXAMPLES OF RETURNS.

No. 2.

Return to be delivered by all persons as to their Income.

Name.

Occupation.

Address of Residence.

Address of place of business.

1. Income from Profession or Calling in this Municipality.

(Insert full particulars.)

2. Income, wheresoever derived, from Mortgages.

(Insert full particulars.)

3. Income wheresoever derived, from Bonds, Stocks, Debentures, Personal Securities, and from money lent or invested on any other securities, or on bank deposit, or without security.

(Insert full particulars.)

. Taxable income from any other source.

(Insert full particulars.)

OATH.

(To be inser'd at the end of each return.)

I hereby make oath that I have knowledge of particulars contained in the foregoing statement and that the same are in every respect fully and truly stated to the best of my knowledge and belief.

Sworn before me at
in the County of
this day of 19 }

signature.

SCHEDULE F.

(Sections 28 and 46.)

ASSESSMENT NOTICE FOR 19

TOWNSHIP OF
CON.
(or CITY, (TOWN, or VILLAGE) OF
SIDE,
(or STREET),

Name and description of person assessed.	School Supporter.	Description of real property	Assessment of land and buildings.			Assessment for personal taxes.		
			No. of concession, street or other designation of local division,	Actual value of land.	Total value of buildings.	Total value of real property liable for local improvements only.	Total value of real property liable for business assessment.	For income.
Name.	No. of lot or house.	"P" or "S", (Public or Separate School Supporter.)						\$
		"F" or "T" or "M.F." "F.S."						

Take notice that you are assessed as above specified for the year 19. If you deem yourself overcharged, or otherwise improperly assessed, you or your agent may notify the Clerk of the Municipality (or Assessment Commissioner) in writing of such overcharge or improper assessment, within fourteen days after the day of notice delivered, (insert date on which the Assessment Roll was returned), and your complaint shall be tried by the Court of Revision for the Municipality of

19

(INDORSED.)

SIR.—Take notice that I intend to appeal against this assessment for the following reasons :

I am, Sir, your obedient servant,

A.B., Township Clerk
R.S.O. 1897, c. 224, Sched. D amended.

NOTE.—In the case of a Municipality in which there are supporters of a Roman Catholic Separate School therein or contiguous thereto, the notice required by Section 28 must also be added.

SCHEDULE.

SCHEDEULE G.

Section 47.)

AFFIDAVIT OR AFFIRMATION OF ASSESSOR IN VERIFICATION OF ASSESSMENT ROLL.

I (*name and residence*) make oath and say (*or solemnly declare and affirm*) as follows: —

1. I have, according to the best of my information and belief, set down in the above assessment roll all the real property liable to taxation situate in the municipality (*or ward*) of (*as the case may be*) ; and I have justly and truly assessed each of the parcels of real property so set down at its actual value.

[*And in the case of vacant ground in cities, towns and villages assessed under section 40 of this Act, add,*]

Except vacant ground and ground used as a farm, garden or nursery, and not in immediate demand for building purposes, which I have assessed according to the value prescribed by By-law (*describing by its number or title any by-law passed under the provisions of section 40.*)

2. I have estimated and set down, according to the best of my information and belief, in said assessment roll, *the amounts assessable against every person named in the said roll for the purpose of the tax in respect of his trade, business, profession or calling, and in respect of his income.*

3. I have entered therein the names of all the resident tenants and freeholders, and of all other persons of whose names I am aware or who have required their names to be entered therein, with the true amount of property occupied or owned by each ; and I have not entered the name of any person whom I do not truly believe to be a tenant or freeholder, or the *bona fide* occupier or owner of the property, or in receipt of the income set down opposite his name, for his own use and benefit, or otherwise to be entitled by law to be so entered.

4. According to the best of my knowledge and belief, I have entered therein the name of every person entitled to be so entered either under *The Assessment Act*, or any other Act ; and I have not intentionally omitted from said roll the name of any person whom I knew or had good reason to believe, to be entitled to be entered therein under any or either of the said Acts.

5. I have entered in the said roll the date of delivery or transmitting of the notice required by section 46 of *The Assessment Act* ; and every such date is truly and correctly stated in the said roll.

6. I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote ; and the amount for which each such person is assessed in the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid.

7. I have not entered any name in the above roll, or improperly placed any letter or letters in column 4, opposite any name, with intent to give to any person not entitled to vote, a right of voting ; and I have not intentionally omitted from the said roll the name of any person whom I believe to be entitled to be placed therein, nor have I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person, any letter or letters which I ought to have placed there.

Sworn (*or solemnly declared*)
and affirmed) before me at
, of , in
the county of , this
day of , A.D. 19

FORM OF OATH TO BE ATTACHED TO ASSESSMENT ROLL.

(*Where assistant of an Assessment Commissioner enters date of delivery or transmission of notices under section 46.*)

I (*name of assistant and residence*) make oath and say (*or solemnly declare and affirm*) as follows: —

I have entered in the assessment roll attached hereto, the date of delivery or transmission of the notice required by section 46 of *The Assessment Act*; and every such date has been truly stated in said roll. *New.*

SCHEDEULE H.

(*Section 110.*)

FORM OF OATH TO BE ATTACHED TO COLLECTOR'S ROLL.

I (*name and residence*) make oath and say (*or solemnly declare and affirm*) as follows: —

I have appended my initials in the collector's roll attached hereto to every date entered by me in said roll as the date of demand of payment, or notice of taxes, pursuant to section 99 (or section 102) and of every transmission of statement and demand of taxes pursuant to section 101 of *The Assessment Act*; and every such date has been truly stated in said roll. *New.*

SCHEDEULE I.

(*Section 65, subsection 15.*)

FORM OF DECLARATION OF PERSON COMPLAINING IN PERSON OF OVER CHARGE
ON ACCOUNT OF TAXABLE INCOME.

I A.B., (*set out name in full, with place of residence, business, trade, profession or calling*), do solemnly declare that my net income, derived from all sources not exempted by law from taxation is

R.S.O. 1897, c. 224, Sched. G.

SCHEDEULE J.

(*Section 65, subsection 15.*)

FORM OF DECLARATION BY AGENT OF PERSON COMPLAINING OF OVERCHARGE
ON TAXABLE INCOME.

I, A.B. (*set out name in full, and place of residence, business, trade, profession or calling*), agent for C.D. (*set out name in full, with place of residence, and calling of person assessed*), do solemnly declare that the net income of the said C.D., derived from all sources not exempt from taxation by law, is ; and that I have the means of knowing, and do know, the income of the said C.D.

R.S.O. 1897, c. 224, Sched. J.
SCHEDEULE.

SCHEDEULE K.

CERTIFICATE UNDER SECTION 130, SUBSECTION 2.

Treasurer's Office of the County (or City or Town or Township of)

Statement showing arrears of taxes upon the following lands in the Township, or City or Town of

Lot.	Concession or Street.	Quantity of Land.	Amount.	Year.

I hereby certify that the above statement shows all arrears of taxes returned to this office against the above lands, and that no part of the said lands has been sold for taxes within the last eighteen months nor returned to the Clerk for collection within the last twelve months, under Subsection 1 of Section 123 of *The Assessment Act*, and that the return under Section 116 of said Act has been made for the year 19

Treasurer.

SCHEDEULE L.

(Section 167.)

FORM OF TAX DEED.

To all to whom these Presents shall come:

We, , of the of , Esquire, Warden (or Mayor or Reeve), and of the of , Esquire, Treasurer of the County (or City or Town or Township) of , Send Greeting:

WHEREAS by virtue of a warrant under the hand of the Warden (or Mayor or Reeve) and seal of the said County (or City or Town or Township) bearing date the day of , in the year of our Lord one thousand nine hundred and , commanding the Treasurer of the said County (or City or Town or Township) to levy upon the land hereinafter mentioned, for the arrears of taxes due thereon, with his costs, the Treasurer of the said County (or City or Town or Township) did, on the day of 19 , sell by public auction to of the of , in the County of , that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon up to the day of , in the year of our Lord one thousand nine hundred and , together with the costs:

Now know ye, that we, the said and , as Warden (or Mayor or Reeve) and Treasurer of the said County (or City or Town or Township) in pursuance of such sale, and of *The Assessment Act*, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said , his heirs and assigns, all that certain parcel or tract of land and premises containing , being composed of (*describe the land so that the same may be readily identified.*)

In

In witness whereof, we, the said Warden (*or Mayor or Reeve*) and Treasurer of the said County (*or City or Town or Township*) have hereunto set our hands and affixed the seal of the said County (*or City or Town or Township*), this day of in the year of our Lord one thousand nine hundred and ; and the Clerk of the County (*or City or Town or Township*) Council has countersigned.

*A. B., Warden (or Mayor or Reeve). (Corporate Seal.)
C. D., Treasurer.*

Countersigned,

E. F., Clerk.

R.S.O. 1897, c. 224, Sched. L.

SCHEDULE M.

ACTS AND PARTS OF ACTS REPEALED.

(See Section 228.)

Act.	Extent of repeal.
Revised Statutes of Ontario, chapter 224.	The whole except sub-section 5 of section 184 and sections 232 to 245 inclusive.
Revised Statutes of Ontario, chapter 225.	Sections 56, 57 and 59.
61 Victoria, chapter 25	The whole.
62 Victoria (2nd Session), chapter 8	Sections 6 to 11 inclusive.
62 Victoria (2nd Session), chapter 27	The whole except section 16.
63 Victoria, chapter 34	The whole.
1 Edward vii, chapter 29	The whole.
1 Edward vii, chapter 26	Sections 13 and 14.
2 Edward vii, chapter 31	The whole.
3 Edward vii, chapter 19	Section 310.
3 Edward vii, chapter 21	The whole.

CHAPTER 24.

An Act respecting amendments of the Law in connection with the Revision of The Assessment Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 86 of *The Consolidated Municipal Act, 1903*, is amended by striking out clauses (a) and (b) after the paragraph designated *Fourthly* and by substituting the following therefor:—

Farmers' sons,
qualification of.

(a) If more sons than one are so resident, and if the farm is not assessed at an amount sufficient, if equally divided between them, to give a qualification to vote to the father and all the sons, where the father is living, or to the mother and all the sons where the father is dead and the mother is a widow, then the right to vote shall belong to, and be the right only of the eldest or such of the elder of the said sons to whom the amount at which the farm is assessed, when equally divided between them and their father, or their mother, as the case may be, will give the qualification to vote.

(b) If the amount at which the farm is so assessed is insufficient, if equally divided between the father, if living, and one son, or, where the father is dead and the mother is a widow, between the mother and one son, to give to each a qualification to vote, no sons or son shall be entitled to vote.

3 Edw. VII.,
c. 19, s. 285,
amended.
Ratepayers to
be counted
only once.

2. Section 285 of *The Consolidated Municipal Act, 1903*, is amended by inserting the following as sub-section 2a:—

(2a) No ratepayer shall be counted more than once in returns and lists required by law for municipal purposes.

Rateable pro-
perty, what to
include.
3 Edw. VII.,
c. 19.

3. Rateable property of the municipality mentioned in section 384 and other sections of *The Consolidated Municipal Act, 1903*, shall include business assessment as defined by *The Assessment*

Assessment Act, and in all by-laws heretofore or hereafter passed by a municipality which direct the levying of rates on the rateable property of the municipality business assessment shall be deemed to be included in such rateable property, as well as real property and income and other assessments made under *The Assessment Act*.

4. Section 403 of *The Consolidated Municipal Act*, 1903, ^{3 Edw. VII., c. 19, s. 403, amended.} is repealed and the following substituted therefor:—

403. In every county and local municipality all rates shall be calculated at so much in the dollar upon the whole of the assessment of the municipality including real property, income, business and other assessments, as provided by *The Assessment Act*. ^{Rates, how calculated.}

5. (1) Section 40 of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* is repealed ^{Rev. Stat., c. 225, s. 40, amended.} and the following substituted therefor:—

40. The council of every municipality in any of the said districts shall at or as soon as convenient after their first meeting appoint one or more assessors, who shall enter upon a roll to be provided for that purpose : ^{Assessors to be appointed to enter in assessment rolls.}

1. The names of all the freeholders and householders in the municipality, stating at the same time on the roll the amount of all the real property owned or occupied by such persons respectively, and the actual value thereof, and stating whether the owners are resident or not ; ^{Freeholders and householders.}
2. The names of all persons in other respects liable to taxation, including those who, though exempt from taxation in respect of income, have required their names to be entered on the roll, in respect of such income, stating the amount thereof ; ^{Persons otherwise taxable.}
3. The names of all farmer's sons entitled to be entered on the roll under the provisions of *The Assessment Act* ; ^{Farmer's son's}

and the said assessor or assessors shall duly notify every person so assessed by leaving a notice at his place of abode, or if a non-resident, by mailing the same to his address if known, or if not known then by fixing up the same in the nearest post office ; and every such notice shall state the particulars of the said assessment. ^{Notice of assessment.}

(2) Section 43 of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* is amended ^{Rev. Stat., c. 225, s. 43, amended.} by striking out the words "if he complains of his assessment shall" in the first and second lines, and inserting in lieu thereof the words "who thinks that he or any other person has been assessed too high or too low or who complains of any

error or omission in regard to the assessment of himself or any person may."

Rev. Stat.,
c. 225, s. 45,
amended.

(3) Section 45 of the said Act is amended by striking out the figures "84" in the fifth line thereof and inserting in lieu thereof the figures "76."

Rev. Stat.,
c. 225, s. 50,
amended.

(4) Section 50 of the said Act is amended by striking out the words "on all the real and personal property rated on said roll" in the second and third lines and inserting in lieu thereof the words "upon the whole of the assessment for real property, income and business or other assessments made under *The Assessment Act* in the municipality."

Rev. Stat.,
c. 225, s. 52,
amended.

(5) Section 52 of the said Act is amended by adding at the end thereof the words following, namely: "except that the right to distrain under section 103 of *The Assessment Act* shall be confined to goods and chattels within the municipality."

Rev. Stat.,
c. 294, s. 54,
repealed.

Company may
require school
rate to be
applied to sep-
arate schools.

6. Section 54 of *The Separate Schools Act* is repealed and the following section substituted therefor:—

54.—(1) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the business assessment or other assessments of such company made under *The Assessment Act*, to be entered, rated and assessed for the purposes of the said separate school, and the proper assessor shall thereupon enter the said company as a separate school supporter in the assessment roll in respect of the real property and business or other assessments, if any, specially designated in that behalf in or by the said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of the real property and business or other assessments, if any, as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes, but all other real property and the remainder of the business or other assessments of the company shall be separately entered and assessed in the name of the company as for public school purposes; provided always that the share or portion of the real property and business or other assessments of any company, entered, rated or assessed, in any municipality for separate school purposes under the provisions of this section, shall bear the same ratio and proportion to the whole of the assessment for real property, business or other assessments of any company within the municipality, as the amount or proportion of the shares or stock of the company, so far as the same are paid, or partly paid-up, and are held and possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid-up shares or stock of the company.

(2) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following :—

To the Clerk of (*describing the municipality*),

Take notice that (*here insert the name of the company so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors of the said company requires that hereafter and until this notice is either withdrawn or varied so much of the whole of the assessment for real property, and business or other assessments of the company within (*giving the name of the municipality*) and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of all real property of the said company liable to assessment in the said municipality and one-fifth (*or as the case may be*) of the business or other assessments of the said company in the said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of the said company.

7. This Act shall come into force and take effect on, from ^{Commencement of Act.} and after the first day of January, 1905.

CHAPTER 25.

An Act respecting Statute Labour.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws in Townships.

By-laws.

3 Edw. VII.,
c. 19.

1. The council in every township may pass by-laws respecting statute labour as enacted in sub-section 3 of section 537 and section 561 of *The Consolidated Municipal Act 1903. New.*

Exemptions.

Certain persons
in naval and
military serv-
ice, etc.,
exempt.

2. The following persons shall not be liable to perform statute labour or to commute therefor:—

(a) Every person in His Majesty's Naval or Military Service on full pay, or on actual service;

(b) Every non-commissioned officer or private of the Volunteer Force, certified by the officer commanding the company to which such volunteer belongs or is attached, as being an efficient volunteer; but this last exemption shall not apply to any volunteer who is assessed for property. R.S.O. 1897, c. 224, s. 96.

[*Firemen exempted in certain cases. See also R.S.O. 1897, Cap. 231, s. 6.]*

Islands used
as summer
resorts.

3. The owner or tenant of an island in the lakes not exceeding ten acres in extent and used with the houses erected thereon exclusively as a summer resort, and upon which the owner or his tenants do not reside more than three months in

in the year, and whereon no statute labour is done, shall not be rated for statute labour, nor shall the owner or tenant thereof be liable for the performance of statute labour or for the payment of commutation thereof for or in respect of such property. R.S.O. 1897, c. 224, s. 30 (2).

Cities, Towns and Villages.

4. Subject to the provisions of section 7 every other male inhabitant of a city, town or village of the age of twenty-one years and upwards, and under sixty years of age (and not otherwise exempted by law from performing statute labour), who has not been assessed upon the assessment roll of the city, town or village, shall, instead of such labour, be taxed at \$1 yearly therefor, to be levied and collected as the council of the municipality may, by by-law direct. R. S. O. 1897, c. 224, s. 97, *amended*.

Who liable and
in what ratio,
in cities, towns
and villages.

Townships.

5. Subject to the provisions of section 7, every male inhabitant of a township, between the ages aforesaid, who is not otherwise assessed in any municipality in the Province, and who is not exempt by law from performing statute labour, shall be liable to one day of statute labour on the roads and highways in the township. R.S.O., 1897, c. 224, s. 100.

Liability of
persons not
otherwise
assessed in
townships.

Farmers' Sons.

6. Every farmer's son entered as such on the assessment roll of any municipality, shall, if not otherwise exempted, by law, be liable to perform statute labour or commute therefor, as if he were not so entered. R.S.O. 1897, c. 224, s. 106 ; 62 V. (2) c. 27, s. 8, *amended*.

Farmers's sons

Reduction or Abolition of Tax.

7. The council of every city, town, village and township may pass by-laws to reduce or abolish the amount of statute labour to be performed or the amount to be paid in lieu thereof or to entirely abolish such statute labour and the performance thereof by all persons within the municipality. R.S.O. 1897, c. 224, ss. 98, 101.

Power to
reduce or
abolish statute
labour.

8. Subject to the provisions of section 7, no person shall be exempted from the tax in sections 4 or 5 mentioned, unless he produces a certificate that he is assessed elsewhere or that he has performed statute labour or paid the tax elsewhere in the Province. *New.*

Proof to
relieve from
tax.

Performance of Statute Labour.

Ratio of service
in case of
persons
assessed.

9. (1) Every person assessed upon the assessment roll of a township shall, if his property is assessed at not more than \$300, be liable to two days' statute labour; at more than \$300 but not more than \$500, three days; at more than \$500 but not more than \$700, four days; at more than \$700 but not more than \$900, five days; and for every \$300 over \$900 or any fractional part thereof over \$150, one additional day; but the council of any township may, by a by-law operating generally and rateably, reduce or increase the number of days' labour to which all the persons, rated on the assessment roll or otherwise, shall be respectively liable, so that the number of days' labour to which each person is liable shall be in proportion to the amount at which he is assessed; and in all cases both of residents and non-residents, the statute labour shall be rated and charged against every separate lot or parcel according to its assessed value. R. S. O. 1897, c. 224, s. 102, (1); s. 17 (1), *last part.*

Council may
reduce or
increase the
number of days
proportion-
ately.

Amount of
statute labour.

(2) Wherever one person is assessed for lots or parts of several lots in one municipality, not exceeding in the aggregate two hundred acres, the said part or parts shall be rated and charged for statute labour as if the same were one lot, and the statute labour shall be rated and charged against any excess of said parts in like manner. R. S. O. 1897, c. 224, s. 109, (2) *first part.*

Commutation
of statute
labour of non-
residents.

(3) In townships where farm lots or portions thereof are owned by non-residents who have not required their names to be entered on the assessment roll, the statute labour shall be commuted by the township clerk in making out the roll required under section 96 of *The Assessment Act*, where such lots are under the value of \$200, to a rate not exceeding one-half per centum on the valuation; but the council may direct a less rate to be imposed by a general by-law affecting such lots. R. S. O. 1897, c. 224, s. 102 (2).

4 EDW. VII.,
c. 23.²

(4) Every resident shall have the right to perform his whole statute labour in the statute labour division in which his residence is situate, unless otherwise ordered by the municipal council. R. S. O. 1897, c. 224, s. 109 (2), *last part.*)

[As to allowance of work in extinguishing bush fires as statute labour, see R. S. O. 1897, Cap. 269, Sec 2.]

Commutation of Statute Labour.

Commutation
may be at \$1
per day.

10. The council of any township may, by by-law direct that a sum not exceeding \$1 a day shall be paid as commutation of statute labour, for the whole or any part of such township, in which case the commutation tax shall be added in a separate column in the collector's roll, and shall be collected and accounted for like other taxes. R. S. O. 1897, c. 224, s. 103.

11. Any local municipal council may, by a^{*} by-law passed for that purpose, fix the rate at which persons may commute their statute labour, at any sum not exceeding \$1 for each day's labour; and the sum so fixed shall apply equally to residents who are subject to statute labour and to non-residents in respect to their property. R. S. O. 1897, c. 224, s. 104.

12. Where no such by-law has been passed the statute labour in townships, in respect of lands of residents and non-residents, shall be commuted at the rate of \$1 for each day's labour. R. S. O. 1897, c. 224, s. 105.

13.—(1) Any person liable to pay the sum named in section 4, or any sum for statute labour commuted under section 10, of this Act, shall pay the same to the collector to be appointed to collect the same, within two days after demand thereof by the said collector; and in case of neglect or refusal to pay the same, the collector may levy the same by distress of goods and chattels of the defaulter, with costs of the distress; and if no sufficient distress can be found, then upon summary conviction before a Justice of the Peace of the county in which the local municipality is situate, of his refusal or neglect to pay the said sum, and of there being no sufficient distress, he shall incur a penalty of \$5 with costs, and, in default of payment at such time as the convicting Judge orders, shall be committed to the common gaol of the county, and be there put to hard labour for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol are sooner paid.

(2) Any person liable to perform statute labour under section 5 of this Act not commuted, shall perform the same when required so to do by the pathmaster or other officer of the municipality appointed for the purpose; and, in case of wilful neglect or refusal to perform such labour after six days' notice requiring him to do the same, shall incur a penalty of \$5, and upon summary conviction thereof before such Justice of the Peace as aforesaid, the Justice shall order the same, together with the costs of prosecution and distress, to be levied by distress of the offender's goods and chattels, and, in case there is no sufficient distress, such offender may be committed to the common gaol of the county and there put to hard labour for any time not exceeding ten days, unless the penalty and costs and the costs of the warrant of commitment and of conveying the said person to goal are sooner paid.

(3) All sums and penalties, other than costs, recovered under this section, shall be paid to the treasurer of the local municipality, and shall form part of the Statute Labour Fund thereof. R. S. O. 1897, c. 224, s. 107.

Commutation
may be fixed
at any sum not
exceeding \$1.

If no by-law
commutation
to be at \$1.

Payment of tax
in lieu of
statute labour
may be en-
forced by
distress or
imprisonment.

Performance

Penalty for
neglect or
refusal.

Penalties to be
paid to
treasurer of
municipality.

Non-residents
when not
permitted to
perform
statute labour.

14. A non-resident whose name does not appear on the resident assessment roll, shall not be permitted to perform statute labour in respect of any land owned by him; but a commutation tax shall be charged against every separate lot or parcel, according to its assessed value and be entered in the non-residents collector's roll. In all cases in which taxes on such non-resident lands are paid, the municipal council shall order the amount to be expended in the statute labour division in which the property is situate. R. S. O. 1897, c. 224, s. 108, amended. B1010V
21010V

If resident
owner, etc.
makes default
commutation
for statute
labour to
be entered
upon col-
lector's roll.

15.—(1) Where an owner or tenant makes default in performing his statute labour or in payment of commutation for the same, the overseer of highways in whose division he is placed, shall return him as a defaulter to the clerk of the municipality before the 15th day of August, and the clerk shall in that case enter the commutation for statute labour against the land in the collector's roll of the current or following year, and the same shall be collected by the collector. R. S. O. 1897, c. 224, s. 110 (1): 62 V. (2), c. 27, s. 9; 1 Edw. VII, c. 2, s. 6, amended.

Overseer to
expend the
commutation
money in the
division.

(2) In every such case the clerk shall notify the overseer of highways, who may be appointed for such division in the following year, or after it has been collected, of the amount of such commutation, and the overseer shall expend the amount of such commutation upon the roads in the statute labour division where the property is situate, and shall give an order upon the treasurer of the municipality to the person performing the work. R.S.O.1897, c. 224, s. 110 (2) amended.

Statute Labour in Unincorporated Townships—Road Commissioners.

Meeting for
election of
road commis-
sioners.

16. Twenty resident landholders in any township which has not been incorporated (either alone or in union with some other township) shall have the right to have a public meeting called for the purpose of electing road commissioners. R.S.O. 1897, c. 224, s. 111.

Requisition
for meeting.

17. The persons desiring the meeting to be called shall sign a requisition authorizing some person who shall be named in the requisition, and may either reside in the township or otherwise, to call a meeting of the resident landholders of the township for the purpose aforesaid. R.S.O. 1897, c. 224, s. 112.

How meeting
may be called
in case person
named in
requisition
fails to call it.

18. In case the person so named declines to call a meeting or neglects to do so, for ten days after the requisition is presented to him, any three of the persons who signed the requisition may call the meeting. R.S.O. 1897, c. 224, s. 113.

Notice of
meeting.

19. The notice calling the meeting shall name a place, day and hour, for holding the meeting and shall be posted at six places

places at the least in the township, and the day named shall be at least six days distant from the day of posting the notice. R.S.O. 1897, c. 224, s. 114.

20. The election shall take place at the time named, and the number of the commissioners to be elected shall be either three or five, as may be stated in the requisition, unless the meeting, before proceeding to an election, decides that a number different from that stated in the requisition shall be elected, but such number shall not be less than three nor more than five. R.S.O. 1897, c. 224, s. 115.

21. In case the meeting is called by the person named in the requisition, he shall be entitled to preside at the meeting as chairman, but if he is absent, or declines to act, the landholders present may appoint another chairman; the chairman shall act as returning officer, and shall, in the event of a tie, have a casting vote, although he may have previously voted, or may not be a landholder of the township; the landholders present shall also appoint a secretary, who shall record the proceedings. R.S.O. 1897, c. 224, s. 116.

22. The landholders present shall decide how the voting for commissioners shall be conducted; and if the vote is taken openly the commissioners shall be elected one at a time, but if it is decided to proceed by ballot all the commissioners shall be elected together, each person having the right to vote for as many persons as there are commissioners to be elected. R.S.O. 1897, c. 224, s. 117.

23. The chairman shall, at the request of any two landholders present, direct the secretary to record the names of all persons voting and (unless the vote is by ballot) how each votes. R.S.O. 1897, c. 224, s. 118.

24 If an objection is made to the right of any person to vote at the meeting, such person shall name the property in respect of which he claims the right to vote, and the chairman shall administer to such person an oath, or affirmation if he be by law permitted to affirm, according to the following form, whereupon such person shall be permitted to vote:

You swear (*or, if the voter is entitled to affirm, solemnly affirm*) that you are of the age of twenty-one years, and that you are the owner or locatee of lot in the concession of this township, and that you are entitled to vote at this election.

So help you God.

R.S.O. 1897, c. 224, s. 119.

25. The commissioners elected shall hold office until the 31st day of December next after their election, and shall take, before a Justice of the Peace, a declaration of office similar

similar to that of a councillor in a municipal corporation. R.S.O. 1897, c. 224, s. 120.

First meeting
of commis-
sioners.

26. The commissioners shall meet within a fortnight after their election, and shall then or as soon thereafter as may be, name the roads and parts of roads upon which statute labour is to be performed, and shall appoint the places and times at which the persons required to perform statute labour are to work. R.S.O. 1897, c. 224, s. 121.

Time for per-
formance of
statute
labour.

27. The times to be appointed for the performance of statute labour shall, unless the meeting of the landholders to elect commissioners otherwise directs, be not earlier than the 20th day of June, nor later than the 20th day of July in any year. R.S.O. 1897, c. 224, s. 122.

Ratio for ser-
vice by owners
and location
of land.

28 —(1) Each owner or locatee of land may be required each year to perform two days' labour for every one hundred acres he holds, and for the first ten acres which he has cleared after the first ten, he may be required to perform one day's additional labour, and for every twenty acres over and above the first ten, one additional day's labour, and each householder may be required each year to perform one day's labour.

Liability of
land owners to
statute labour.

(2) Any land-owner, owning less than one hundred acres, may be required to perform statute labour as the commissioners may direct, but not exceeding the scale provided for in subsection 1 of this section where the land is in part cleared, and not exceeding two days where no part of the land is cleared. R.S.O. 1897, c. 224, s. 123.

Commissioners
to oversee
work.

29. Each commissioner shall, during the time he is required to perform statute labour, act as overseer, and the commissioners shall arrange among themselves for overseeing the various bodies of men engaged in doing statute labour. A commissioner may be paid out of the commutation fund for not exceeding two days' labour at the rate of \$1.25 per day, if performed by him over and above the number of days' labour he may by law be required to perform in respect of his own property. The commissioners shall have the same powers as municipalities have in reference to statute labour to appoint overseers and require returns to be made to them of the labour performed in their districts respectively. R.S.O. 1897, c. 224, s. 124.

Commutation.

30. Any person instead of performing the statute labour required of him may commute therefor by payment at the rate of \$1 per day, and the commissioners shall expend all commutation moneys upon the roads on which the labour which is commuted for should have been performed. R.S.O. 1897, c. 224, s. 125.

31. The majority of the commissioners may call a meeting to be held at any time during the month of January, for the election of their successors, but in case of their failure so to do a meeting may be called in the manner hereinbefore provided for a first election. R.S.O. 1897, c. 224, s. 126.

32. Any person liable to perform statute labour under the provisions of sections 16 to 33, who, after six days' notice requiring him to do the same, wilfully neglects or refuses to perform, at the time and place named by the commissioners, the number of days' labour for which he is liable, shall incur a penalty of \$5, and in addition \$1 for each day in respect of which he makes default, the same to be paid to the commissioners and to be expended in improving the said roads; and upon such person's conviction thereof, before a Justice of the Peace having jurisdiction in the township, such Justice shall order the penalty together with the penalty and costs of prosecution and distress to be levied by distress of the offender's goods and chattels. R.S.O. 1897, c. 224, s. 127.

33. The commissioners, when duly elected, shall serve during the term for which they are elected, or shall forfeit the sum of \$5, which may be sued for, together with costs, in any Court having jurisdiction, by any three electors making the complaint. R.S.O. 1897, c. 224, s. 128.

34. This Act shall come into force and take effect on, from and after the first day of January, 1905.

commencement of Act.

CHAPTER 26.

An Act to amend The Factories Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 256, s. 7,
amended.

Female em-
ployees.—
regulation as
to mode of
wearing hair

1. The following is added to section 7 of *The Ontario Factories Act* :—

(1) Young girls and women in factories shall, during working hours, wear their hair rolled or plaited and fastened securely to their heads, or confined in a close-fitting cap or net so as to avoid contact with working machines or shafting or material being handled. It shall be the duty of managers, superintendents, foremen and others in charge to see that employees are fully notified of the provisions of this section.

Rev. Stat.,
c. 256, s. 9,
par. 1, amended.

Hours of
labour,

2. The paragraph numbered 1 of section 9 of *The Ontario Factories Act* is amended by adding thereto the following words:—

The hours of working in any one day shall not be later than half past six o'clock in the evening, unless a special permit in writing is obtained from the Factories Inspector.

Rev. Stat.,
c. 256, s. 15,
repealed.

Conveniences
for employees.

3. Section 15 of *The Ontario Factories Act* is repealed and the following enacted in place thereof:—

15.—(1) (a) The owner of every factory shall provide a sufficient number and description of privies, earth or water-closets and urinals for the employees of such factory, including separate sets for the use of male and female employees, and shall have separate approaches to the same, the recognized standard being one closet for every 25 persons employed in the factory.

(b) The owner of every factory shall be held responsible for the remedying of any effluvia arising from any drain or defective plumbing and for any repairs required to keep the building in a safe and habitable condition.

(c)

(c) The owner of every factory shall arrange for a supply of pure drinking water available for each tenant in the factory.

(2) The owner of every factory who for thirty days refuses or neglects to comply with the above requirements or conditions, after being notified in writing in regard to the same by the Factories Inspector, shall because thereof be deemed to be guilty of a contravention of the provisions of this Act.

4. Section 16 of *The Ontario Factories Act* is repealed and the following enacted in place thereof :—

Rev. Stat.,
c. 256, s. 16
repealed.

16—(1) (a) The employer of every factory shall keep the factory in a clean and sanitary condition and free from any effluvia arising from refuse of any kind.

(b) The employer of every factory shall keep privies, earth or water-closets and urinals in good repair and in a sanitary condition, and shall be held responsible for keeping closets separated for male and female employees.

(c) The employer of every factory shall heat each compartment used by him and regulate the temperature so as not to be injurious to the health and comfort of the employees, and to be consistent with the work performed therein, but in no case shall the temperature be less than 60 degrees Fahrenheit unless specially authorized by the Inspector in writing.

(d) The employer of every factory shall be held responsible for ventilating the factory in such a manner as to keep the air reasonably pure and so as to render harmless, as far as reasonably practicable, all gases, vapours, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

(e) The employer of every factory shall not allow over-crowding while work is carried on therein, so as to be injurious to the health of the persons employed therein, the standard to be allowed being 300 cubic feet of room space for each employee.

(f) The Inspector of Factories shall have power in his discretion to require the employer to provide a sufficient number of spittoons and place the same in different parts of the factory, and keep the same clean.

(g) In every factory where any process is carried on by which dust is generated and inhaled by the workers to an injurious extent if such inhalation can by mechanical means be prevented or partially prevented, the inspector may, subject to such regulations, if any, as may be made in that behalf, direct that such means shall be provided within a reasonable time by the employer, who in such cases shall be bound so to provide them.

(h)

(h) The employer of every factory shall provide a supply of wholesome drinking water and proper drinking cups for employees, which must be at least eight feet distant from water-closets and urinals.

(2) Where grinding, polishing or buffing is carried on in any shop the preceding clause (g) shall apply irrespective of the number of persons employed therein.

(3) The employer of every factory who for thirty days refuses or neglects to comply with the above requirements or conditions after being notified in writing in regard to the same by the Factories Inspector shall be deemed to be guilty of a contravention of the provisions of this Act.

Rev. Stat.,
c. 256, s. 20,
para. (c)
repealed.

5. Paragraph (c) of subsection 1 of section 20 of *The Ontario Factories Act* is repealed and the following substituted therefor :—

Regulations as
to elevators,

The openings of every hoistway, hatchway and well-hole used for power elevators shall be at each floor, including the basement, provided with and protected by good and sufficient trap doors or self closing hatches, or by gates closing automatically, which gates shall not be less than five feet six inches high, and may be in sections, if desired. The sides of the shaft on all floors, including basement, not guarded by gates, shall be protected by enclosures at least six feet high, approved by the inspector. Where the elevator is enclosed in a tower having walls over six inches thick, it may be provided with an extra operating rope outside the tower. In every case the elevator must be provided with a lock to secure the operating rope. In case of elevators operated by hand power the gates must not be less than three feet in height and must be automatic closing gates, and the sides not protected by gates must be protected by enclosures not less than four feet in height, approved by the inspector. A clearly painted sign marked "Dangerous" having letters not less than four inches in height must be affixed or stencilled on the bottom rail of every gate, where it will be plainly visible from the outside. The top of every elevator platform shall be provided with a sufficient guard to protect the occupants, approved by the inspector.

Rev. Stat.,
c. 256, s. 5,
amended.

6. Section 5 of *The Ontario Factories Act* is amended by inserting the word "June" in the second line after the words "the months of."

CHAPTER 27.

An Act to amend the law respecting the Destruction
of Noxious Weeds.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub section 1 of section 4 of *The Act to prevent the Spread of Noxious Weeds and Diseases affecting Fruit Trees* is amended by striking out all the words therein after the word "notice" at the end of the 8th line of the said sub section, and inserting in lieu thereof the words following: and it shall be the duty of the inspector to give or cause to be given such notice for the first time not later than such date or dates in each year as may be fixed by by-law of the municipality." Rev. Stat. c. 279, s. 4, subs. 1, amended.

2. Section 8 of the said Act is repealed and the following substituted therefor:— Rev. Stat. c. 279, s. 8, repealed.

8.—(1) It shall be the duty of every owner or occupant of land in a municipality to cut down and destroy or cause to be cut down and destroyed, at the proper time to prevent the ripening of their seed, all the noxious weeds growing on any highway adjoining such land, not being a toll road, from the boundary of such land to the centre line of such road, and in case of default after notice from the inspector or overseer of highways, or where no inspector or overseer is appointed from the clerk of the municipality, the council of such municipality may do the work, and may add the cost thereof to the taxes against the land in the collector's roll and collect such cost in the same manner as other taxes. Owner or occupant to cut down weeds to centre line of highway.

(2) In the case of lands assessed as non-resident lands in townships the council of the township shall direct the work mentioned in sub-section 1 of this section to be done and may add the cost thereof to the taxes against the lands and may collect the same in the same manner as other taxes. Non-resident land.

(3) In unorganized townships where road commissioners have been appointed under the provisions of *The Assessment Act*, or under any Act relating to statute labour in unorganized townships. In unorganized townships.

Penalty.

ized townships, it shall be the duty of every owner or occupant to cut down and destroy or cause to be cut down and destroyed, at the proper time to prevent the ripening of their seed, all the noxious weeds growing on any highway adjoining such land, not being a toll road, from the boundary of such land to the centre line of such road, and in case of default after notice from the road commissioners requiring such work to be done on or before a day named in the notice, such owner or occupant shall incur a penalty of \$5 for each lot or parcel in respect of which default is made, and upon conviction thereof before a Justice of the Peace having jurisdiction in the township such Justice shall order the penalty, together with the costs of prosecution and distress, to be levied by distress of the offender's goods and chattels, and every penalty so recovered shall be paid the road commissioners and be expended in improving the roads in such township.

Road
commissioners
may do the
work and
recover
expenses.

(4) In case of such default as mentioned in the preceding sub-section the road commissioners may perform the work in place of such owner or occupant, and the cost thereof to the extent of \$1.25 for each day's labour involved shall be recoverable as a debt due by such owner or occupant to the road commissioners in any court of competent jurisdiction.

CHAPTER 28.

An Act to amend The Ontario Game Protection Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 2 of section 4 of *The Ontario Game Protection Act*, as enacted by section 1 of the Act passed in the 63 V., c. 49,
2nd year of His Majesty's reign, chaptered 39, is repealed.
s. 4, subs. 2,
repealed.

(2) No moose, reindeer or caribou shall be hunted, taken or killed in that part of Ontario lying to the south of the main line of the Canadian Pacific Railway, from the Town of Mattawa to the Manitoba Boundary, except from the first day of November to the Fifteenth day of November, both days inclusive in each year. Throughout all that part of the Province lying to the north of the said main line of the Canadian Pacific Railway from Mattawa to the Manitoba Boundary, the open season for moose, reindeer or caribou shall be from the Sixteenth day of October, to the Fifteenth day of November, both days inclusive in each year. Close season for moose, reindeer and caribou.

2. Sub-section 4 of section 4 of the said Act is amended by adding thereto the following :— 63 V. c. 49,
s. 4, subs. 4,
amended.

(f) Capercaillie from the Fifteenth day of December to the Fifteenth day of September of the following year ; but no capercailzie to be hunted, taken or killed before the Fifteenth day of September, 1909. Close season for capercailzie.

3. Section 17 of the said Act is amended by adding thereto the following sub-section:— 63 V., c. 49,
s. 17.

(4) No person shall take into, or have in his possession, in the Temagami Forest Reserve during the close season for moose, reindeer or caribou any gun or rifle, any mauser or other automatic pistol, or any revolver or other firearm having a barrel of a greater length than four inches. Hunting
moose, etc.,
in Temagami
Reserve.

CHAPTER 29.

An Act to amend The Education Department Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice¹ and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1 Edw. VII.,
c. 38, s. 7 subs. 1,
amended.

1. Sub-section 1 of Section 7 of *The Education Department Act* is amended by adding thereto the following:—

Apportionment
of moneys for
free text books
in rural
districts.

“Also to apportion under the provisions of such regulations as may be made by Order in Council all sums of money voted by the Legislative Assembly for aiding public and separate school boards in rural districts to furnish certain text-books free of cost.”

CHAPTER 30.

An Act to amend The Public Schools Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 21 of *The Public Schools Act*, as amended by section 1 of the Act passed in the second year of His Majesty's reign and chaptered 40, is further amended by adding after the words "urban municipality" wherever they occur in the said section the words "or school section," and by striking out the word "the" in the thirteenth line and inserting in lieu thereof the word "such."

2.—(1) Sub-section 2 of section 34 of *The Public Schools Act* is amended by striking out all the words therein after the word "meeting" in the seventh line of the said sub-section and inserting in lieu thereof the words "shall make and publish their award, and may in and by the said award approve of the site so selected by the said trustees or may change the boundaries of the same or may select such other site as the said arbitrators or the majority of them present as aforesaid may deem more suitable for the purpose."

(2) Section 34 of *The Public Schools Act* is amended by adding the following as subsection (4):—

(4) No action at law to set aside any award made under this Act shall be undertaken by, or at the instance of, the trustees of any rural school section without the consent of the majority of the ratepayers of the section present at a special meeting duly called to consider the advisability of such action at law being undertaken.

3. The paragraph numbered 1 in section 41 of *The Public Schools Act* as amended by section 2 of the Act passed in the second year of His Majesty's reign, and chaptered 40 is further amended by adding at the end thereof the following words:—

"Provided that when all the school sections in a township have been consolidated the Municipal Council may limit the number of trustees constituting the Public School Board to six"

six, after at least one month's notice in writing has been given to the Secretary of the Public School Board of the intention to consider a resolution to that effect."

1 Edw. VII.,
c. 39, s. 45,
amended.

School sec-
tions existing
1st April,
1904, deemed
legally
formed.

1 Edw. VII.,
c. 39, s. 46,
subsec. 2,
amended.
Award of ar-
bitrators as to
formation,
etc., of union
school section.

1 Edw. VII.,
c. 39, s. 46,
amended.

New arbitra-
tion after
expiration of
three years.

1 Edw. VII.,
c. 39, s. 83,
amended.

Member
assessed for
largest sum to
have a casting
vote in case of
a tie on any
question in
Public School
Board.

1 Edw. VII.,
c. 39, s. 82,
subsecs. 1 and
2, amended.

Interim
certificate.

1 Edw. VII.,
c. 39, s. 64,
amended.

Cities and
separated
towns to con-
tribute to
expenses of
board of
examiners.

4. Section 45 of *The Public Schools Act* is amended by striking out "1901" in the second line and inserting in lieu thereof "1904."

5. The paragraph numbered 2 of section 46 of *The Public Schools Act* is amended by adding at the end thereof the following: "And the arbitrators or a majority of them present at any lawful meeting shall have authority to make and publish an award."

6. Section 46 of *The Public Schools Act* is amended by adding thereto the following paragraph:—

12. In case any award of arbitrators forming or refusing to form a new union school section has not been acted upon, or has been adjudged illegal or void by the court or judge, the proceedings in subsection 1 of this section may be taken at any time after the expiration of three years from the date of such award.

7. Section 64 of *The Public Schools Act* is amended by adding thereto the following subsection:—

(5) In cities, towns and incorporated villages in every question (other than the election of a chairman) arising at a meeting of the Board on which there is an equality of votes, if no decision is arrived at during the same meeting or after the Board has voted twice on the question at a second meeting specially called for that purpose, the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member of the Board.

8. Section 82 of *The Public Schools Act* is amended by inserting after the word "second" in the fourth line of the first subsection the word "interim," and inserting after the word "conduct" in the third line of the second subsection the words "interim certificates shall be valid for two years."

9. Section 83 of *The Public Schools Act* is amended by adding thereto the following sub-section:—

(6) The council of any city or town separated from the county shall pay to the treasurer of the county in which such city or town is situate such proportion of the per diem allowance and other expenses mentioned in sub-sections 3 and 4 of this

this section as may be agreed upon or as may be fixed by the order of the judge of the county court of the county on application made to him on behalf of such county or city or separated town.

10. Sub-section 2 of section 84 of *The Public Schools Act* is amended by striking out the words "the county board of examiners may, with the approval of" in the 4th and 5th lines and inserting in the 5th line after the word "Department" the word "may." 1 Edw. VII.
c. 39, s. 84,
subsec. 2
amended.
Discontinuance
of model
schools.

11. Sub-section 8 of section 86 of *The Public Schools Act* is amended by striking out "\$5," in the second line and inserting in lieu thereof "\$6." 1 Edw. VII.
c. 39, s. 86,
subsec. 8
amended.
Inspector's
allowance for
each room
with separate
teacher.

12. Sub-section 10 of section 86 of *The Public Schools Act* is amended by striking out "\$5," in the first line and inserting in lieu thereof "\$6," and by striking out the words "a similar sum" in the 5th line and inserting in lieu thereof "\$5 for every such teacher." 1 Edw. VII.
c. 39, s. 86,
subsec. 10
amended.
Grants in aid
of inspector's
salary.

13. Section 86 of *The Public Schools Act* is amended by adding the following as sub-section 10a:— 1 Edw. VII.
c. 39,
amended.

(10a.) No county inspector shall receive remuneration under any of the subsections of this section, in respect of more than 120 schools; provided, however, that the salary of no county inspector already appointed shall be lessened unless his schools are decreased in number. Remuneration
of county
inspectors.

14. *The Public Schools Act* is amended by adding thereto the following section:— 1 Edw. VII.
c. 39,
amended.

93a. The Public School Board or the Board of Education, as the case may be, of any city or town may make such annual grant as they deem proper, out of the school funds, to aid in the establishment of a superannuation fund for the public school teachers of such city or town. Grant to
superannuation
fund by
board.

15. Sub-section 4 of section 96 of *The Public Schools Act* is amended by striking out all the words in the first line and the words "of Haliburton" in the second line and inserting in lieu thereof the words "with the approval of the Public School Inspector." 1 Edw. VII.,
c. 39, s. 96,
subsec. 4
amended.
Holidays in
rural schools.

16. *The Public Schools Act* is amended by inserting there- the following as section 27a. 1 Edw. VII.,
c. 39 amended.

27a. (1) Any portion of an unorganized township which forms part of a union school section, the remaining portion of which is an organized municipality or part of an organized municipality, shall for school purposes be deemed to be annexed to such organized municipality and the officers of such organized municipality shall make all assessments and collect all taxes and do all such other acts and perform all such Assessment of
portion of
unorganized
township
forming part
of union
school section.

such duties and be subject to the same liabilities with respect to the portion of the unorganized township forming part of such union school section as with respect to any part thereof which lies within the organized municipality.

(2) Every person of the full age of 21 years assessed as a public school supporter in an unorganized township under the preceding subsection shall be entitled to vote at any election of school trustees or on any school question in such union school section.

Township council authorized to establish second school in section during part of year under certain conditions.

17. (1) In case it appears to the council of any township that owing to the condition of the roads or other causes the public school in any school section in such township is inaccessible to any of the pupils entitled to attend such school during certain months of the year, the council may by by-law to be passed not later than the first day of June in any year provide for the establishment of a second school in such section to be opened during such months of the year as the council may deem advisable, and may prescribe the area within which pupils reside who shall have the right to attend such second school.

Clerk to send copy of by-law to trustees.

(2) The township clerk shall transmit forthwith a copy of such by-law and minutes relating thereto to the trustees of the school section affected thereby and to the public school inspector.

Rights of Appeal.

(3) There shall be the same right to appeal against the neglect or refusal of the township council to pass such by-law as is provided by subsection 1 of section 42 of *The Public Schools Act* in the case of neglect or refusal to form, unite, divide or alter the boundaries of a school section, and the provisions of the said section respecting the time of appeal the apportionment and qualification of arbitrators and the time when the award shall take effect and its duration and as to notice of the award shall apply to every such appeal.

Arbitration terms of.

(4) In case of arbitration to determine the matter in question on the appeal, the arbitrators may provide in their award for the establishment and location of such second school and the area within which pupils reside who shall have the right to attend the same, and the period in each year during which such school shall be open.

Attendance at school when second school closed.

(5) The provisions of sub-section 1 of section 96 of the said Act shall not apply to a school established under this section, but nothing herein contained shall be deemed to relieve the pupils attending such second school from attendance at the public school of the school section during those periods of the school year in which such second school is closed, nor to relieve the trustees of such school section from the duty of providing school accommodation for such pupils during such periods.

CHAPTER 31.

An Act to amend The High Schools Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 16 of *The High Schools Act* is amended by adding thereto the following as paragraph 11:—^{1 Edw. VII., c. 40, s. 16, amended.}

11. To collect at their discretion, from the parents or guardians of the pupils attending school a sum not exceeding twenty-five cents per month, per pupil, to defray the cost of text books and other school supplies; or to purchase, for the use of pupils, text books and other school supplies at the expense of the corporation.

2. Section 34 of *The High Schools Act* is amended by adding thereto the following sub-section:—^{1 Edw. VII., c. 40, s. 34.}

(9) When the trustees of any high school situate in a municipality contiguous to a city shall give notice to the city clerk that such high school is open to city pupils on the same terms as it is open to the resident pupils of the municipality in which the high school is situate, the city council shall in all such cases pay to the high school board a sum equal to 80 per cent. of the average annual cost of maintenance.

This subsection shall come into force and take effect on, from and after the 1st day of January, 1905.

CHAPTER 32.

An Act to amend the Act respecting Boards of Education in certain Cities.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of The Legislative Assembly of the Province of Ontario, enacts as follows:—

3 Edw. VII,
c. 31, s. 8,
amended.

Time and
place of first
meeting of
Board.

1. Section 8 of *The Act respecting Boards of Education in certain Cities* is amended by striking out the word "seven" in the second line, and inserting in lieu thereof the word "eight"; and by striking out the words "fourth Wednesday" in the third line, and inserting in lieu thereof the words "Thursday after the first Monday"; and by adding at the end of the said section the following words: "in the Board Room provided for the Board of Education in the Municipal Building."

3 Edw. VII.
c. 31, s. 12,
amended.
Vote of chair-
man.

2. Section 12 of the said Act is amended by inserting after the word "questions" in the second line, the following words: "upon which, as a member of the Board, he is entitled to vote."

3 Edw. VII.
c. 31, s. 13,
amended.
Separate
school repre-
sentatives not
to vote on
public school
matters.

3 Edw. VII.
c. 31, s. 16,
amended.

3. Section 13 of the said Act is amended by inserting the word "exclusively" after the word "Education," in the third line of the said section.

4. Section 16 of the said Act is amended by striking out the word "of" where it first occurs in the third line, and inserting in lieu thereof the word "for."

CHAPTER 33.

An Act respecting Boards of Education in certain Cities, Towns and Villages.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario,—enacts as follows:—

1.—(1) The council of any city having less than 100,000 inhabitants and the council of any town or incorporated village not included in a high school district may, on or before the first day of October in any year at a meeting specially called for the purpose, by resolution declare that it is expedient that the board of public school trustees and the board of high school trustees or board of education (in case the public and high school boards have been united) and the board of management of technical schools, if any, of such city, town or incorporated village should be amalgamated and a Board of Education elected in lieu thereof as provided by this Act.

Boards of education in cities of less than 100,000 inhabitants, towns and villages.

(2) In pursuance of the resolution passed under sub-section 1 of this section in lieu of the board of public school trustees and the board of high school trustees and the board of education (in case the public and high school boards have been united) and the board of management of technical schools, if any, theretofore elected or appointed in such city, town or village there shall be a board to be styled “The Board of Education for the City, Town or Village of (*naming the city, town or village*)” which shall possess all the powers and perform all the duties theretofore possessed and performed by the boards of high school trustees and public school trustees or board of education (in case the public and high school boards have been united) and the board of management of technical schools of such city, town or village, and upon the organization of the said Board of Education all the property vested in the board of public school trustees and the board of high school trustees or board of education (in case the public and high school boards have been united) and the board of management of technical schools of such city, town or village shall

shall become vested in the Board of Education and all debts, contracts and agreements for which the said respective boards were liable shall become obligations of the Board of Education.

Composition of board.

2. The said Board of Education shall be composed as follows:—

(1) In cities having more than 50,000 but less than 100,000 inhabitants, twelve members to be elected and two to be appointed by the Separate School Board of such city. In cities having less than 50,000 inhabitants, nine members to be elected and one to be appointed by the Separate School Board of such city. In towns and incorporated villages not included in a high school district seven members to be elected and one member to be appointed by the Separate School Board, if any, of such town or village.

Mode of election.

(2) The members to be elected as aforesaid shall be elected by general vote of the persons qualified to vote for public school trustees in any such city, town or village and the election shall be held at the same time and place and by the same returning officer and shall be conducted in the same manner as the election of mayor; and, save as otherwise provided by this Act, all the provisions of *The Public Schools Act* respecting the election of trustees by ballot shall apply to the said election of members of the Board of Education, but no person shall vote more than once for members of the said Board.

1 Edw. VII c. 39.

Number of votes for candidates.

(3) Each person qualified to vote as aforesaid shall be entitled to as many votes as there are members to be elected to the said Board but may not give more than one vote to any one candidate.

Term of office of elected members.

(4) At the first election under this Act, the full number of members of the said Board shall be elected, and one-half of the members so elected, where the number of elected members is an even number, and the next number of elected members higher than one-half when the number of elected members is an odd number who receive the highest number of votes shall continue in office for two years thereafter and until their successors have been elected under this Act, and the new Board organized and the remaining members shall continue in office for one year and until their successors have been elected under this Act and the new Board organized.

Elections to fill places of members retiring.

(5) At each annual election after the first, a sufficient number of members shall be so elected for two years to fill the places of members retiring. The members retiring shall be eligible for re-election.

Determining question of retirement where two members have equal number of votes.

3. In case by reason of two or more members receiving an equal number of votes at the first election, the question of the retirement of one or more of them at the end of the first year is in doubt, and in case no agreement as to which of such members

members shall retire is reached at the first meeting of the Board, then at the next meeting the question shall be determined by lots to be cast by the secretary or secretary-treasurer in the presence of the Board, and the result shall be entered upon the minutes of the Board.

4. In case the office of an elected member becomes vacant from any cause, the remaining members of the Board shall, at the first meeting after such vacancy occurs, elect some duly qualified person to fill such vacancy, and the person so elected shall hold his seat for the remainder of the term for which his predecessor was elected. Vacancies among elected members.

5.—(1) The appointment of a member or members to the said Board by the Separate School Board shall be made at the first meeting of the Separate School Board in the year in which the first election of members is held under this Act and at its first meeting in every second year thereafter. Appointment by separate school board..

(2) Any member so appointed shall hold office for two years and until his successor is appointed and shall be eligible for re-appointment. Term of office of appointed member.

6. No member of the Separate School Board shall be eligible for appointment or election as a member of the said Board. Members of separate school board not eligible.

7. In case any person appointed to the said Board of Education by the Separate School Board shall die, resign or remove from the municipality or vacate his office before the expiration of the term for which he is appointed, the vacancy so caused shall be filled forthwith by the Separate School Board, and the person appointed to fill such vacancy shall hold office for the unexpired term of the person whose place became vacant as aforesaid. Vacancy in representation of separate school board.

8. The first meeting of the said Board of Education in each year shall be held at the hour of eight o'clock in the afternoon of the Thursday after the first Monday in January at the usual place of meeting of the former Public School Board. First meeting of board.

9.—(1) At the first meeting of the said Board in every year the members of the Board shall elect a chairman, and at the first meeting held after the passing of this Act the Board shall also elect a secretary and treasurer or a secretary-treasurer who shall hold office until removed by the Board. Chairman, secretary, treasurer.

(2) The secretary or secretary-treasurer for the previous year shall preside at the first meeting of the Board until the chairman is elected, or if there be no secretary or secretary-treasurer then such member of the board shall preside as may be appointed for that purpose. Secretary to preside at first meeting until chairman elected.

Quorum.

Equality of
votes in elec-
tion of chair-
man.

10. A majority of the members of the Board shall form a quorum.

11.—(1) In case of an equality of votes at the election of chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member of the Board.

(2) In case of an equality of votes on any other question, if no decision is arrived at during the same meeting or after the Board has voted twice on the question at a meeting specially called for that purpose, the member of those entitled as members to vote on the question, who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member of this Board.

Vote of
chairman.Representative
of separate
schools not to
vote on public
school matters.

12. The chairman of the Board may vote with the other members of the Board on all questions.

Qualification
of members.

13. The member or members appointed by the separate school board shall not vote or otherwise take part in any of the proceedings of the Board of Education exclusively affecting the public schools.

Disqualifica-
tion.1 Edw. VII, cc.
39, 40.

14. No person shall be elected to the Board of Education who is not qualified to be elected as a trustee of a public school board under *The Public Schools Act*.

15. The provisions of *The Public Schools Act* and *The High Schools Act* respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of the said boards respectively, shall apply to the said Board of Education as if the said board was named therein instead of the board of high school trustees or board of public school trustees respectively.

Board to be a
corporation.1 Edw. VII,
cc. 39, 40.
Rev. Stat.,
c. 301.

16.—(1) Every Board of Education constituted by this Act shall be a corporation by the name of "The Board of Education for the City, Town or Village of _____" (naming the city, town or village) and shall have and possess all the powers usually possessed by corporations so far as the same are necessary for carrying out the purposes of this Act and of *The Public Schools Act* and of *The High Schools Act* and of *The Act respecting Technical Schools* and of all amendments to the said Acts and of any by-law of the municipality establishing or relating to a technical school.

First election
of members
of Board.

(2) The first election of members for the Board of Education under this Act shall take place at the time of holding the next ensuing municipal elections for the year following the passing of the resolution mentioned in section 1 of this Act; but nothing in this Act contained shall affect the public school

school board or high school board or board of education) in case the public and high school boards have been united) or the board of management of technical schools of such city, town or village for the year in which the said resolution has been passed.

17. The Board of Education of every such city or town separated from the county shall appoint an inspector of the public schools for such city or town. Appointment of inspectors.

18. The Board of Education may make such modification of the prescribed high school courses of study to be undertaken in each of the high schools under its jurisdiction as it deems expedient, and may provide for special or advanced instruction in any of such courses, and may designate such schools, or any one of them, as English, Science, Commercial, Technical or Classical High Schools, according to the course or courses of instruction provided for each, but all such courses must be approved by the Minister of Education, and the accommodation and equipment of the school and the qualifications of the staff be subject to the regulations of the Education Department. Provision for special and advanced courses of instruction high schools.

19. This Act shall be read with and as part of *The Public Schools Act* and *The High Schools Act* and of *The Act respecting Technical Schools* and the said Acts are amended to conform to the provisions hereinbefore contained. Act incorporated with 1 Edw. VII, cc. 39, 40 and Rev. Stat., c. 301.

CHAPTER 34.

An Act to amend The Separate Schools Act.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.,
c. 294,
amended.

Establishment
of separate
school in a
portion of rural
section.

1. *The Separate Schools Act* is amended by inserting therein the following section 29b :—

29b. (1) In case a separate school has heretofore been established in a public school section which includes an urban municipality, or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in such township or portion of a township petition the separate school trustees of such separate school to notify the Inspector of separate schools, that the separate school supporters in such township or portion of a township, are desirous of establishing a separate school therein, the Inspector of separate schools may signify in writing to the said separate school trustees his approval of the establishment of such separate school, and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and such school may be established and trustees may be elected in the manner provided by this Act.

Arbitration.

(2) The Inspector of separate schools and two other persons, one of whom shall be chosen by the separate school trustees of such urban municipality and the other by the separate school trustees of the separate school so established in such township or portion of a township shall constitute a board of arbitrators, who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school section shall belong to, be paid to or be borne by the separate school trustees of such urban municipality, and the trustees of such rural separate school respectively, and shall adjust all matters consequent upon such separation and the award of such arbitrators shall be final and binding.

(3)

(3) Nothing in this section contained shall relieve any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of such township separate school.

2. *The Separate Schools Act* is amended by adding there to the following section as section 58a.

Rev. Stat.
c. 234,
amended.

58a. In any municipality in which the assessment is taken under a by-law passed under section 58 of *The Assessment Act*, and at such times as the said assessment is taken for the ensuing year, the notices required to be given under sub-section 1 of section 42 of this Act shall be given on or before the fifteenth day of July in any year, and the notice required to be given under subsection 1 of section 47 of this Act shall be given on or before the fourth Wednesday in May in any year ; the request referred to in section 58 of this Act, after the year 1904, shall, if given, be given at such time provided in section 58 or prior thereto as may be required by such municipal corporation ; and in subsection 2 of section 42 of this Act the words "first day of March" in the second and ninth lines thereof shall be read "fifteenth day of July."

Dates for giving certain notices where taxes collected on assessment of preceding year.

CHAPTER 35.

An Act to amend The University Act, 1901.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

¹ Edw. VII.
c. 41, s. 33,
amended.

1. Section 33 of *The University Act, 1901*, is amended by adding thereto the following sub-sections:—

Cancellation of
degree of
graduate con-
victed of crime,
etc.

(3) For the cancellation, recall or suspension of the degree whether heretofore or hereafter granted or conferred of any graduate of the University who has heretofore been or shall hereafter be convicted in the Province of Ontario, or elsewhere, of an offence which, if committed in Canada, would be an indictable offence or who has been or shall hereafter be guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University; for erasing the name of such graduate from the roll or register of graduates and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived under the authority of any such statute.

(4) For providing the mode of inquiring into and determining as to the guilt of such graduate and the procedure generally in respect of any of the said matters.

Right of
Trinity Uni-
versity to take
part in Senate
election.

2. Notwithstanding that the federation of the University of Trinity College with the University of Toronto will not take effect until the first of October next, the University of Trinity College from and after the passing of this Act shall be deemed to be, for the purposes of the election of the Chancellor and Senate of the University of Toronto, a federated University within the meaning of the said Act.

² Edw. VII. c.
43, s. 3 (d)
amended.

3. Clause (d) of sub-section 1 of section 6 of the said Act as amended by section 3 of *The University Amendment Act, 1902*, is amended by striking out in the twelfth line thereof the figures and letter "8654A" and inserting in lieu thereof "8654R,"

"8654R," and by striking out all the words after "shall" in the twenty-third line thereof and inserting the following "so long as the same have been or are or will be occupied as aforesaid be deemed for the purposes of *The Assessment Act* to have been and to be occupied by the persons or corporations aforesaid in an official capacity and to have been and to be exempt from taxation."

4. Section 39 of *The University Act*, 1901, is amended by inserting after the word "instructors" in the tenth line the words "to make recommendations for the appointment, promotion, and removal of professors, associate professors,<sup>1 Edw. VII, c.
41, s. 39</sup> lecturers and other instructors;"
^{amended.}

CHAPTER 36.

An Act to amend The Act respecting the Property
of Religious Institutions.

Assented to 26th April, 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 307, s. 1.,
amended.

1. Section 1 of *The Act respecting the Property of Religious Institutions* is amended by adding thereunto the following subsection as section 4 thereof:—

Conveyances
to trustees
appointed by
Quarterly
Official Boards
of the Metho-
dist Church.

(4) In case a Quarterly Official Board of the Methodist Church, shall, under the discipline of the said Church, appoint trustees for the purpose of taking a conveyance of land for any of the purposes aforesaid, such land may be conveyed to the said trustees according to the discipline and usages of the said Church, and their successors to be appointed in the manner specified in the conveyance authorized and used by the said Church, and the said conveyance shall have the same effect as a conveyance made to trustees appointed under subsection 1. This subsection shall apply to any conveyance to trustees appointed by any such Board or by a Board of any of the Churches which united to form the Methodist Church, which has been executed prior to the passing of this Act.

Conveyances
executed prior
to the passing
of Act.

2.—(1) All conveyances executed under the said Revised Statute or to trustees appointed by a Quarterly Official Board aforesaid before the passing of this Act shall be as valid and effectual, if the same shall have been registered before the expiration of twelve months after the passing of this Act, as if registered within twelve months after the execution thereof respectively, except in so far as the same may be effected by the prior registration of other deeds or instruments relating to the same lands respectively.

Rights of per-
sons claiming
on account of
invalidity of
former
conveyances.

(2) But in all cases where any person claiming to hold, or to be entitled to any real estate or property included in any such deed on account of the omission to register the same, shall, in virtue of such claim, have taken possession of such real estate before the eighth day of February, 1904, and also

also in all cases where the persons claiming to hold, or to be entitled to such real property on account of such omission as aforesaid, shall have actually sold or departed with, or shall have actually contracted to sell or depart with such real estate before the 8th day of February, 1904, the provisions of this section shall not extend to render invalid any right or title to such estate, but such right or title shall be taken and adjudged to be as if this Act had not been passed.

CHAPTER 37.

An Act respecting House of Refuge.

Assented to 26th April 1904.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Agreements
for extending
sewerage
system to
houses of
refuge.**

1. The council of any county and the council of any city or town within such county may from time to time enter into agreements for connecting any house of refuge, house of industry or industrial farm heretofore or hereafter established by the council of such county with the sewerage system of such city or town, and may pass all by-laws and do all things necessary to carry every such agreement into effect.

**Contracts for
supplying
water and
electric light
and power**

2. The council of any county may contract with any municipal corporation, company or individual owning or operating a waterworks system in any city or town, or any plant producing and supplying electricity for light, heat or power in such city or town, for the supply of water for domestic purposes and for fire protection, and of electricity for lighting and power purposes at the said house of refuge, house of industry or industrial farm, or for either of such services as the council of such county may see fit.

**Power to carry
necessary
works over
intervening
lands.**

3. For the purpose of connecting such house of refuge, house of industry or industrial farm with such sewerage or waterworks system or electrical works the corporation of such county and officers, servants, agent or workmen of such county may enter upon and pass over any lands or roads lying between such house of refuge, house of industry or industrial farm and such city or town; and may dig up such lands and roads, and may construct sewers and lay down any pipes and place all necessary poles or wires, and do all necessary work in or upon such intervening lands and roads; but the corporation of such county shall pay to any owner of such lands or roads due compensation, and such compensation in default of agreement shall be determined by arbitration in the manner provided by *The Consolidated Municipal Act, 1903.*

4. Notwithstanding anything in *The Consolidated Municipal Act, 1903*, contained, it shall not be necessary for the council of any county to submit to the electors or to obtain the assent of the electors to any by-law for providing for the issue of debentures for the purchase of a site or the erection of buildings for a house of refuge, a house of industry or industrial farm or for the construction of the works authorized by this Act unless the amount to be raised under such by-law with the amount if any theretofore raised by the issue of debentures for the said purposes or any of them will exceed in the whole the sum of \$40,000.

Assent of
electors to
borrowing for
houses of
refuge not
required.
3 Edw. VII.,
c. 19.

CHAPTER 38.

An Act to amend The Charity Aid Act.

Assented to 26th April, 1904

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat
c. 230, sec. 5 (2),
amended.

1. Subsection 2 of section 5 of *The Charity Aid Act* is amended by adding at the end thereof the words :—

Who may be
deemed paying
patients.

“ But no person shall be deemed a paying patient by reason only of the payment by any municipal corporation to such institution of any sum which together with the amount contributed by such patient, or on his behalf from other sources, will not exceed each week the sum of \$3.50.”

CHAPTER 39.

An Act respecting an Agreement between the Town of Barrie and The Grand Trunk Railway Company of Canada.

Assented to 26th April, 1904.

WHEREAS the Corporation of the Town of Barrie and Preamble. The Grand Trunk Railway Company of Canada have by their respective petitions prayed that an Act may be passed confirming and declaring legal and valid a certain Agreement made the twenty-first day of December, A.D. 1903, by and between the Corporation of the Town of Barrie and the Grand Trunk Railway Company of Canada, which agreement is set forth in Schedule A to this Act; and whereas no opposition has been offered to the said petitions; and whereas it is expedient to grant the prayer of the said petitions;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Agreement set out in Schedule A to this Act is confirmed and declared legal and valid for all purposes and made binding in the same manner and to the same extent as if fully set out at length and incorporated in this Act; and it shall be lawful for the Corporation of the Town of Barrie and the Grand Trunk Railway Company of Canada to do any and all acts necessary to carry out and give full effect to the said agreement in all respects and in accordance with the spirit, true intent, and meaning thereof.

SCHEDULE A.

This Agreement made this twenty-first day of December in the year of Our Lord 1903, by and between the Corporation of the Town of Barrie, hereinafter called "the Town," of the first part, and the Grand Trunk Railway Company of Canada, of the second part.

Whereas the Company have purchased some additional lands for the purpose of enlarging their yards, and have agreed to erect a twenty-five stall roundhouse in Ward Six, known as "Allandale," in the Town of Barrie, to enable them to more easily deal with the traffic in the said Ward, and

and also purpose erecting a new passenger station and additional accommodation for the passenger traffic at Allandale:

And whereas the Town has agreed to fix the value of all assessable property of the said Company within the said Town of Barrie, including the said additional land, roundhouse and proposed station, at the sum of thirty-five thousand dollars, and to continue the said assessment at that sum for a period of twenty-five years upon the terms and conditions hereinafter mentioned:

Now therefore this Agreement witnesseth that the said parties do hereby covenant, promise and agree each with the other as follows, that is to say:—

1. The Company agrees to erect and instal a twenty-five stall roundhouse in Ward Six in the said Town of Barrie, known as "Allandale," and to maintain the same during the continuance of this agreement.

2. The Company agrees to enlarge their yard in the said Town to enable them to more easily accommodate the traffic in said Ward Six.

3. The Company also contemplate erecting in said Ward Six a new passenger station and other additional accommodation for the passenger traffic of the said Town, it being understood, that if the said new passenger station and additional accommodation mentioned in this clause are to form part of the property of the Company included in the said fixed assessment of thirty-five thousand dollars, they are to be fully completed on or before the thirty-first day of December, 1905, and if not then completed, to be liable to assessment under the provisions of the Assessment Act.

4. The Company further agree that the said roundhouse, yard extensions and improvements herein agreed to, with the exception of the proposed new station and additional accommodation referred to in clause three, shall be completed by the thirty-first day of December, 1904.

5. The Town covenants and agrees with the Company that they will commute and fix for the next twenty-five years commencing on the first day of January, 1904, the assessment of all assessable property now owned and occupied by the said Company within the limits of the said Town, together with the additional lands, buildings and improvements, including the said passenger station, if such is erected, provided for or named in this agreement at a fixed valuation of thirty-five thousand dollars. The taxes on the said fixed assessment of thirty-five thousand dollars shall be paid at the same time and upon the same terms as the taxes of the other ratepayers of the said Town. Provided, however, that the Legislature of the Province of Ontario ratifies the fixing of the said assessment for the said period of twenty-five years. Should they, however, refuse to do so, then the said Town of Barrie covenants and agrees that the said fixed assessment of thirty-five thousand dollars herein provided for shall continue as the yearly assessment of the said Company from year to year for the longest period for which the said Town may lawfully fix the same.

6. It is understood and agreed, however, between the parties hereto that if at any time within the continuance of this agreement, the Company shall discontinue the Town of Barrie as a Divisional point as aforesaid, then this agreement shall become null and void.

7. It is further covenanted and agreed between the parties hereto that any additions the Company may make to their property after the year 1904, other than those set out or contemplated in this agreement, shall be assessable under the provisions of "The Assessment Act."

8. The said parties further covenant and agree each with the other to join in an application to the Legislative Assembly of the Province of Ontario to secure the passing of an Act to ratify, confirm and legalize this agreement, the expense of and incidental to the obtaining of the said Act to be borne and paid by the Company.

9. It is further agreed between the parties hereto that this agreement shall not after the said twenty-five years or such shorter period as hereinbefore referred to be used to the prejudice of either party in any

any question which may then be raised (if any) as to the assessable value of the said property or any part thereof.

In witness whereof the parties hereto have hereunto affixed their respective Corporate Seals on the day and year first above written.

Signed, sealed and Delivered The Corporation of the Town of Barrie.

In the presence of

(Sgd.) W. A. BOYS,
Mayor,

(Sgd.) R. S. LOGAN.

(Seal.) (Sgd.) E. DONNELL,
Clerk.

(Seal.) The Grand Trunk Railway Company of
Canada.

Per (Sgd.) CHAS. M. HAYS,
Second Vice-Pres. & Genl' Manager.

CHAPTER 40.

An Act respecting the assessment of Robert James Graham, of the City of Belleville.

Assented to 26th April, 1904.

Preamble.

WHEREAS by the petition of Robert James Graham of the City of Belleville it is made to appear that for more than ten years last passed he has been carrying on the business of evaporating fruit and vegetables and storing fruit and vegetables and other products in cold storage in the said City of Belleville ; and that on the twenty-seventh day of June, 1898, the municipal council of the Corporation of the City of Belleville passed a resolution recommending that certain properties of the said Robert James Graham, then exempted from taxation, and certain other properties of the said Robert James Graham be exempt for a period of ten years ; and that on the eighteenth day of December, 1899, the Municipal Council of the said Corporation of the City of Belleville passed a resolution fixing the assessment of the property of the said Robert James Graham in Baldwin Ward of the City of Belleville at \$10,300 for ten years from the twenty-seventh day of June, 1898 ; and that the said Robert James Graham has spent large sums of money on the faith of such exemption being made ; and that uncertainty has arisen as to the validity of the said exemption ; and that the municipal councils of the various years since the year 1898 have been satisfied that the said properties of the said Robert James Graham should be exempted ; and whereas it is expedient that effect should be given to such arrangement and that the prayer of the petition should be granted ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Assessment of
R. J. Graham
fixed at
\$10,000 for
ten years.

1. The assessment of all the property owned by Robert James Graham on the eighteenth day of December, 1899, and now owned by him in Baldwin Ward, in the City of Belleville, is fixed for all purposes at the sum of \$10,300, for a period of ten years from the twenty-seventh day of June, 1898.

2. The municipal council of the City of Belleville may by resolution direct that any taxes paid by the said Robert James Graham on any property possessed by him on the twenty-seventh of June, 1898, in Baldwin Ward upon an assessment over and above the sum of \$10,300 fixed by this Act shall be repaid to the said Robert James Graham.

3. The municipal council of the City of Belleville may by by-law by a two-thirds vote extend or renew the said exemption or fixing of assessment for a further period not exceeding ten years.

Council authorized to renew exemption for ten years by two-thirds vote.

CHAPTER 41.

An Act to confirm By-law No. 1137 of the Municipal Council of the Corporation of the City of Belleville.

Preamble

WHEREAS the Corporation of the City of Belleville has by petition set forth that on the sixteenth day of November, 1903, By-law Number 1137 of the said corporation, as set forth in Schedule A to this Act, received a first and second reading by the Municipal Council of the said corporation, and on the fourth day of January, 1904, the said by-law received the assent of the ratepayers of the City of Belleville, and on the nineteenth day of January, 1904, after a scrutiny of the votes cast on the voting in respect of the said by-law, the Senior Judge of the County Court of the County of Hastings certified the result to be that a majority of votes were cast in favour of the said by-law, and that on the twenty-fifth day of January, 1904, the said by-law received a third reading, and was finally passed by the said municipal council, and was on the twenty-sixth day of January, 1904, duly registered in the Registry Office for the County of Hastings; and that the said corporation did on the sixteenth day of November, 1903, enter into an agreement with the Belleville Gas Company for the purchase by the said Corporation of the works, machinery, plants, rights, privileges, franchises and other property of the Belleville Gas Company as set forth in Schedule B to this Act; and that the Belleville Gas Company have executed conveyances of the said works, machinery, plants, rights, privileges, franchises and other property pursuant to the said agreement, and that the said corporation has entered into possession of the same under the said agreement, and that the term of the existence of the Belleville Gas Company expired on the third day of February, 1904; and whereas the said Corporation of the City of Belleville has prayed that the said by-law and agreement and conveyances may be confirmed and that the said corporation may be authorized to issue debentures as provided in the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Th erefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. By-law No. 1,137 of the Municipal Council of the Corporation of the City of Belleville, as set forth in Schedule A to this Act, and the agreement bearing date the sixteenth day of November, 1903, between the Belleville Gas Company and the Corporation of the City of Belleville, as set forth in Schedule B to this Act, and the two conveyances purporting to be made by the said company to the said Corporation of the City of Belleville in pursuance of the said Agreement set forth in Schedule C to this Act, are ratified and confirmed and declared to be and to have been from the respective dates of the passing of the said by-law and execution of the said agreement and conveyances legal and valid and binding upon the Corporation of the City of Belleville and the ratepayers thereof and upon all parties thereto or affected thereby, anything to the contrary thereof in anywise notwithstanding. By-law 1,137
and agree-
ments and
conveyances
re Gas Co.
confirmed.
2. The said corporation is authorized and empowered to issue debentures as provided by the said by-law, and all debentures issued or to be issued under the said by-law are declared to be and to have been from the date of the issue thereof legal and valid and binding on the said corporation and the ratepayers thereof. Debentures
authorized.
3. All assessments made or to be made and all rates levied or to be levied for or in respect of the said debentures, are validated and confirmed. Assessments
and rates
validated.
4. The said corporation may deposit the said debentures with any corporation, person or persons, as a security for a temporary loan to enable the said Corporation of the City of Belleville to obtain funds to pay and discharge the obligations mentioned in the agreement in Schedule B to this Act until such time as the said debentures shall be sold. Corporation
may raise
loan on
debentures.
5. The said Corporation of the said City of Belleville upon paying to and dividing the sum of \$5,600 among the persons respectively who were the shareholders of the said company at the time of the expiration of the term of the existence of the said company in the proportions of the amounts paid up by them respectively upon stock in the said company, shall be fully and completely discharged from all liability for and in respect of the payment of the said sum to the said company under the said agreement set out in Schedule B to this Act. Payment may
be made to
individual
shareholders
of company.
6. Nothing in this Act contained shall in any way prejudice or affect the question of costs of any action or proceeding now pending. Costs of pend-
ing litigation.

SCHEDEULE A.

By-law No. 1,137.

A By-law to declare it expedient in the interest of the Corporation of the City of Belleville to acquire the Works, Machinery, Plant, Right, Privileges, Franchises and other Property of the Belleville Gas Company and to authorize the said Corporation to purchase and to repair and improve same, and to borrow fifty thousand dollars for the said purposes.

Passed the 25th January, A.D. 1904.

Whereas the Belleville Gas Company have been engaged in the business of manufacturing and supplying light and heat in the City of Belleville, and Whereas the Corporation of the City of Belleville is the largest shareholder in the said Company, and

Whereas it is expedient in the interests of the Corporation of the City of Belleville that the said Corporation should acquire and purchase the Works, Machinery, Plant, Rights, Privileges, Franchises and other Property of the Belleville Gas Company and become the sole owners thereof and operate the same, and

Whereas it is desirable that the said Works, Machinery and Plant should be repaired and improved, and

Whereas it is estimated that a sum of about fifty thousand dollars will be required to complete said purchase and make said repairs and improvements and to cover the disbursements incident to the loan, which sum it will be necessary to borrow on the credit of the Corporation of the City of Belleville and to issue debentures of the said Corporation for said sum of fifty thousand dollars (\$50,000.00), the proceeds of which debentures are to be deposited in an account separate from any other account of the said Corporation in some Chartered Bank in the City of Belleville and are to be applied to the purposes aforesaid, and to no other, and

Whereas the debt intended to be incurred by this By-law is fifty thousand dollars (\$50,000.00) and

Whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of twenty years, being the currency of the said debentures; the said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other years of said period, as shown in Schedule "A" hereto annexed and

Whereas the total amount required to be raised annually by special rate for paying the said debt and interest as hereinafter provided is three thousand six hundred and seventy-nine dollars and ten cents (\$3,679.10) and

Whereas the amount of the whole rateable property of the City of Belleville, according to the last revised Assessment Roll therefor is three million eight hundred and seventy-eight thousand two hundred dollars (\$3,878,200.00) and

Whereas the amount of the existing debenture indebtedness of the said City of Belleville is six hundred and seventy-seven thousand four hundred dollars (\$677,400.00) exclusive of debt for local improvement, whereof no sum is in arrears for principal or interest.—

Therefore the Municipal Council of the Corporation of the City of Belleville enacts as follows:—

1. That it is expedient in the interest of the Corporation of the City of Belleville to acquire the Works, Machinery, Plant, Rights, Privileges, Franchises and other property of the Belleville Gas Company.

2. That the Municipal Council of the said City shall have power to purchase the Works, Machinery, Plant, Rights, Privileges, Franchises and other property of the Belleville Gas Company and repair and improve same and to expend the proceeds of the debentures herein authorized to be issued for the said purposes and for no other and for these several purposes debentures of the said City to the amount of fifty thousand dollars (\$50,000.00) in sums of not less than \$100.00 each shall be issued

on

on the first day of February, A.D. 1904, each of which debentures shall be dated on the date of issue thereof and shall be all payable within twenty years thereafter, namely, on the first day of February, 1924, at the Office of the Treasurer of the Corporation of the City of Belleville in said City and the proceeds of such debentures until expended for the purposes aforesaid shall be deposited and kept in an account separate from any other account of the said Corporation in some Chartered Bank in the City of Belleville.

3. That no purchaser or holder of any of said debentures or the coupons shall be responsible or accountable to see that any part of or proceeds of said debentures is deposited or expended as herein directed.

4. Each of the said debentures shall be signed by the Mayor of the said City of Belleville or by some other person authorized by By-law to sign same, and by the Treasurer of the said City of Belleville and the Clerk shall attach thereto the corporate seal of the Municipality.

5. The said debentures shall bear interest at the rate of four per centum per annum, payable yearly at the office of the Treasurer of the Corporation of the City of Belleville in said City in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the Mayor and Treasurer of the said City of Belleville.

6. During the currency of the said debentures there shall be raised annually by special rate on all rateable property in the said City of Belleville the sum of three thousand six hundred and seventy-nine dollars and ten cents (\$3,679.10) for the purpose of paying the amount due in each of the said years for principal and interest in respect of said debt, as shown in Schedule "A" heretofore annexed.

7. This By-law shall come into force and take effect immediately on the final passing thereof.

8. The votes of the qualified electors of the said Corporation of the City of Belleville (in accordance with the Statutes in that behalf) shall be taken upon this By-law on Monday, the fourth day of January, A. D. 1904, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, at the following places in the said Municipality, by the following Deputy Returning Officers, namely :

In Foster Ward in the building occupied by William Blaind, in the west side of John Street, in the said Ward, and that William Blaind be and he is hereby appointed Deputy Returning Officer for the said Foster Ward.

In Samson Ward in the Police Court Room, in the Market Building, and that Curtis Bogart be and he is hereby appointed Deputy Returning Officer for said Samson Ward.

In Ketcheson Ward in the Local Master's Office, on the West Side of Church Street, in said Ward, and that A. R. Walker be and he is hereby appointed Deputy Returning Officer for said Ketcheson Ward.

In Baldwin Ward in Number Two Fire Engine Shed, on the west side of Front Street, in the City of Belleville, and that Fred Gillen be and he is hereby appointed Deputy Returning Officer for said Baldwin Ward.

In Bleeker Ward on the west side of Canifton Road, in the building next north of McGinnis' store, and that Joseph Templeton be and he is hereby appointed Deputy Returning Officer for said Bleeker Ward.

In Coleman Ward in the building occupied by Henderson Brown as a shoe shop, on the east side of North Front Street, and that F. M. Clarke be and he is hereby appointed Deputy Returning Officer for said Coleman Ward.

In Number Seven Division of Murney Ward in the building occupied by James McCarthy as a shoe shop, on the north side of Bridge Street in said Ward, and that J. C. Panter be and he is hereby appointed Deputy Returning Officer for said Number Seven Division of Murney Ward.

In Number Eight Division of Murney Ward in the building occupied by Weese as a Marble Works, on the southeast corner of Coleman Street and Bridge Street, in the said Ward, and that N. W. Lazier be and he is hereby appointed Deputy Returning Officer for the said Number Eight Division of said Murney Ward.

9. Be it further enacted that the Mayor of the Corporation of the City of Belleville shall attend at the City Hall in the said City on Tuesday, the twenty-ninth day of December, 1903, at the hour of twelve o'clock noon for the purpose of appointing and shall appoint in writing signed by him, two persons to attend the final summing up of the votes given for and against this By-law, and for the purpose of appointing one person to attend at each polling place upon the day of the polling of the said votes on behalf of the persons interested in and desirous of promoting the passing of this By-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law, which place and hour are hereby fixed for said purpose.

10. Be it further enacted that the Clerk of the Council for the Corporation of the City of Belleville shall attend at the City Hall in the said City of Belleville on Tuesday, the fifth day of January, A.D. 1904, at the hour of ten o'clock in the forenoon, to proceed to sum up the numbers of votes given for and against this By-law, in accordance with the provisions of the Statute in that behalf.

(Sgd.) W. C. MIKEL, (Seal.) (Sgd.) W. W. CHOWN,
Clerk. Mayor.

Schedule "A" referred to in the foregoing By-law, showing how the amount of \$50,000 hereby required to be raised annually by special rate is apportioned.

Years.	Principal.	Interest.	Total (Annual.)
February 1st, 1905	\$1679.10	\$2,000.00	\$3679.10
" 1906	1746.30	1932.80	3679.10
" 1907	1816.10	1863.00	3679.10
" 1908	1888.70	1790.40	3679.10
" 1909	1904.30	1714.80	3679.10
" 1910	2042.90	1636.20	3679.10
" 1911	2124.60	1554.50	3679.10
" 1912	2209.50	1469.60	3679.10
" 1913	2298.00	1381.10	3679.10
" 1914	2389.80	1289.30	3679.10
" 1915	2485.50	1193.60	3679.10
" 1916	2584.90	1094.20	3679.10
" 1917	2688.20	990.90	3679.10
" 1918	2795.80	883.30	3679.10
" 1919	2907.70	771.40	3679.10
" 1920	3023.90	655.20	3679.10
" 1921	3144.90	534.20	3679.10
" 1922	3270.70	408.40	3679.10
" 1923	3401.50	277.80	3679.10
" 1924	3537.60	141.50	3679.10
20 years	\$50000.00	\$23582.00	\$73582.00

SCHEDULE B.

Memorandum of Agreement made in duplicate, the 16th day of November, A.D. 1903, between The Belleville Gas Company, doing business in the City of Belleville, in the County of Hastings, herein-after called the Company, of the first part, and the Corporation of the City of Belleville, herein-after called the City, of the second part. Whereas the Company is an incorporated Joint Stock Company, and Whereas the Company is the owner of certain Works, Machinery, Plant, Rights, Privileges, Franchises and other property in the said City of Belleville and elsewhere, and have been carrying on the business of supplying light and heat in said City and elsewhere.

And whereas the Company is indebted by way of Mortgage, bearing date of the twenty-third day of August, A.D. 1887, to the Canada Permanent Loan & Savings Company, which Mortgage has been assigned to the executors and trustees of the estate of the late James Lyons Biggar. And also by way of a second mortgage, bearing date the twenty-sixth day of October, A.D. 1891, to the Hastings Loan & Investment Society, upon which mortgages there is now due for principal and interest the sum of \$32,000 or thereabouts.

And

And whereas there are two years taxes in arrears on the real estate of said Company in the City of Belleville in addition to the taxes for 1903 aggregating about \$2,000, and

Whereas there are other small sums owing by the Company, and

Whereas the Company have offered to sell to the City all the Company's interests in the works, machinery, plant rights, privileges, franchises and other property situate within or without the City of Belleville for the price or sum of five thousand six hundred dollars, the City paying all liabilities now existing of the Company, and

Whereas the City has accepted the said offer.

Now therefore witnesseth that in consideration of the premises and of the sum of one dollar now paid by each of the said parties to the others, the Company hereby agree to sell all the works, machinery, plant, rights, privileges, franchises and other property of the Company for the sum of five thousand and six hundred dollars, whether situate within or without the City of Belleville.

And the City agrees to purchase same and to pay and discharge all mortgages or other indebtedness of the Company now existing or which may hereafter be incurred with the approval of the Council of the said City and to indemnify the Company and each and every shareholder of the Company against all liability of whatsoever nature or kind now existing against the Company or which may hereafter, with the approval of the Council of the said City, be incurred.

The Company covenants, promises and agrees to forthwith execute good and valid conveyances of all the Real and Personal Property, and execute transfers of all accounts, chases in action or other assets now owned by the Company, or of any interest or interests the Company may have in any real and personal property accounts, chases in action or other assets, to the City, which conveyances and transfers shall be deposited with the Manager of the Bank of Montreal, Belleville Branch, until the time appointed for payment of the said five thousand six hundred dollars, and upon the payment or tender of the said sum the City shall be entitled to said conveyances and transfers, and the same shall be handed over to the City or to some person appointed by the City by resolution of the City Council to receive said conveyances and transfers.

And on the payment or tender as aforesaid the said Real and Personal Property, rights, privileges and franchises now held or enjoyed by the Company or which may hereafter be acquired by the Company up to the time of the payment or tender shall immediately vest in and belong to the city to the extent of the Company's interest as aforesaid.

The Real property above mentioned shall include Lots number Nine (9) and Ten (10) on the west side of Church Street, and Lot number Nine (9) on the east side of Pinnacle Street in the said City of Belleville, according to Henry Carre's plan registered, and also all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Thurlow, in the County of Hastings, and being composed of parts of Lots numbers Five (5) and Six (6) in the second Concession of the said Township of Thurlow, and more particularly described in a deed from Mary Donovan to the Belleville Gas Company, dated February 11th, 1895, registered in the Registry Office for the County of Hastings February 14th, 1895, in Book "Y" for the Township of Thurlow, No. 9,338.

Also all and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Thurlow, in the County of Hastings, and being composed of part of Lot number Six (6) in the second concession of the Township of Thurlow aforesaid, described in a deed from John Bell to the Belleville Gas Company, dated November 21st, 1898, and registered in the Registry Office for the County of Hastings, November 25th, 1898, in Book "Z" for the Township of Thurlow as No. 10,301, save and except Block "F," Plan 278, registered in said Registry Office heretofore sold to the George Matthews Company, Limited, by the Belleville Gas Company, by deed dated November 17th, 1901.

The City covenants to have a by-law submitted to the qualified electors of the City of Belleville for their assent at the next Municipal election, to declare it expedient in the interests of the City to acquire the Works, Machinery, Plant, Rights, Privileges, Franchises and other property of the Company and to authorize the City to purchase same and to borrow

or obtain the money necessary to pay and discharge the obligations undertaken by the City in this Agreement, and upon the assent of the electors being given also to have the said By-law finally passed and the said obligations discharged.

The City is to have possession February First, A.D. 1904, of all Works, Machinery, Plant, Rights, Privileges, Franchises and other property of the Company, together with all books of the Company and the said Five thousand six hundred dollars is to be paid over to the Company and all obligations of the Company fully paid and discharged by the tenth of July, A.D. 1904, providing the possession has been given over to the City as aforesaid.

The benefits of this Agreement are to accrue to and the burdens bind the successors and assigns of the parties.

In the event of the assent of the electors not being obtained to the By-law hereinbefore agreed to be submitted this Agreement shall not be binding, and any conveyances or other transfers made by the Company and deposited as aforesaid may be handed back and destroyed.

In witness whereof the President and Secretary of the Company have affixed their signatures hereunto and attached the Corporate Seal of the Company, and the Mayor and Clerk of the City have affixed their signatures hereunto and attached the Corporate Seal.

Sgd. W. W. CHOWN,
President.

(L. S.) Sgd. W. J. THOMSON,
Secretary.

Sgd. R. J. GRAHAM,
Mayor.

(L. S.) Sgd. W. C. MIKEL,
Clerk.

SCHEDULE C

(Containing the two Conveyances referred to in Section 1 of this Act.) This Indenture, made in duplicate the fifth day of January, One thousand Nine Hundred and Four, in pursuance of the Act respecting Short Forms of Conveyances, between the Belleville Gas Company, an Incorporated Joint Stock Company doing business in and having its chief place of business in the City of Belleville, in the County of Hastings, hereinafter called the party of the first part, and the Corporation of the City of Belleville, hereinafter called the party of the second part.

Whereas by an Agreement bearing date, the sixteenth day of November, 1903, the party of the first part agreed to sell and convey the lands and premises, hereinafter described, together with all the Works, Machinery, Plant, Rights, Privileges, Franchises and other property to the party of the second part for the price or sum of five thousand six hundred dollars, and upon certain terms and conditions set out in said agreement.

Therefore witnesseth that in consideration of the premises and of the sum of one dollar of lawful money of Canada, now paid by the said party of the second part to the said party of the first part (the receipt whereof is hereby acknowledged), the said party of the first part doth grant unto the party of the second part in fee simple.

All and singular those certain parcels or tracts of lands and premises situate, lying and being,—

Firstly.—In the City of Belleville in the County of Hastings and being composed of Lots numbers Nine (9) and Ten (10) on the West side of Church Street and Lot number Nine (9) on the East side of Pinnacle Street according to Henry Carre's Plan registered.

Secondly

Secondly.—In the Township of Thurlow in the County of Hastings and being composed of parts of Lots numbers Five (5) and Six (6) in the Second Concession of the said Township of Thurlow, which is butted and bounded as follows, that is to say:—Commencing on the West bank of the River Moira at the distance northward of four chains seventy links on a straight line along the river from the intersection of the North side of the Concession Road in front of said Township Lots and the West bank of the river and at the south end of a bluff of rocks running thence westerly four chains eight links more or less to a point on the western limit of the lands of Mary Donovan, Grantor, in a certain deed from said Mary Donovan to the Belleville Gas Company, dated February 11th, 1895, registered February 14th, 1895, five chains eighty-six links measured northward on the said western limit from the Concession Road in front of said Lots, thence north eleven degrees thirty-three minutes east along the said western limit nine chains forty-three links to the northwest angle of the said Mary Donovan's lands as then enclosed; thence south easterly along the northern boundary of said Mary Donovan's lands then enclosed, three chains sixty links more or less to the west bank of the said river, and thence southerly following the west bank of the river to the place of beginning, containing by admeasurement three and thirty-five one-hundredths acres more or less.

Thirdly.—All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Thurlow, in the County of Hastings, and being composed of part of lot number six in the Second Concession of the Township of Thurlow, in the County of Hastings and Province of Ontario, containing 9½ acres particularly described as follows: Commencing where a white cedar post is planted marked "B" and "P" on the western bank of the River Moira, then east to the limit between lots numbers 6 and 7, then south sixteen degrees east six chains and seventy links more or less to the allowance for road in front of the said concession. Then south seventy-four degrees west to high water mark on the western side of the River Moira, thence northerly up the said River Moira to the place of beginning, excepting thereout and therefrom Block "F" according to Plan No. 278, registered in the Registry Office of the County of Hastings, which Block "F" was heretofore sold and conveyed by the Belleville Gas Company to the George Matthews Company Limited, by deed dated November 17th, 1901.

Together with all buildings and fixtures, mains and pipes laid in streets, squares and other public places and including all other real estate, works, machinery, plant, rights, privileges, franchises and other property, whether situate within or without the City of Belleville belonging to the party of the First Part.

To have and to hold unto the said party of the Second Part its successors and assigns to and for its and their sole and only use forever, subject nevertheless to the reservations, limitations, provisions and conditions expressed in the original grant thereof from the Crown.

The said party of the First Part covenants with the said party of the Second Part that the said party of the First Part has the right to convey the said lands to the said party of the Second Part, notwithstanding any act of the said party of the First Part, save certain encumbrances mentioned in the agreement aforesaid.

And that the said party of the Second Part shall have quiet possession of the said lands free from all encumbrances save as aforesaid.

And the said party of the First Part covenants with the said party of the second part that the party of the first part will execute such further assurances of the said lands as may be requisite.

And the said party of the First Part covenants with the said party of the Second Part that the said party of the First Part has done no act to encumber the said lands save as aforesaid.

And the said party of the First Part releases to the said party of the Second Part all its claims upon the said lands and other property.

The party of the First Part hereby assigns and transfers any interest,

right

right or claim now possessed in any of the property aforesaid to the party of the Second Part.

In witness whereof the President and Secretary of the Company have affixed their signatures hereunto and attached the Corporate Seal of the Company, and the Mayor and Clerk of the City have affixed their signatures and attached the Corporate Seal.

(L. S.)

(Sgd.) W. W. CHOWN,
President.

(Sgd.) W. J. THOMSON,
Secretary.

(Sgd.) W. W. CHOWN,
Mayor.

(L. S.)

(Sgd.) W. C. MIKEL,
Clerk.

This Indenture made in Duplicate the Fifth Day of January in the year of our Lord One Thousand Nine Hundred and Four. Between, The Belleville Gas Company, an Incorporated Joint Stock Company having its chief place of business in the City of Belleville, in the County of Hastings, hereinafter called the Party of the First Part, and The Corporation of the City of Belleville, hereinafter called the Party of the Second Part.

Whereas the said party of the First Part hath contracted and agreed with the said party of the Second Part, for the absolute sale to the said party of the Second Part of the Works, Machinery, Plant, Rights, Privileges, Franchises and other property of the party of the First Part by a certain Agreement dated the Sixteenth day of November, A.D. 1903, upon the terms and conditions therein contained.

Now this indenture witnesseth, that in pursuance of the said Agreement, and in consideration of the sum of One Dollar of lawful money of Canada, paid by the said party of the Second Part to the said Party of the First Part, at or before the sealing and delivery of these Presents, (the receipt whereof is hereby acknowledged), the said party of the First Part hath bargained, sold, assigned and transferred, and set over, and by these presents doth bargain, sell, assign, transfer and set over unto the said party of the Second Part, and the successors and assigns of the party of the Second Part, all Gas or Gas in process of Manufacture or distribution, whether in pipes or other receptacles, in streets, squares or other public places in the City of Belleville or elsewhere; and all commodities or supplies for use in manufacturing Gas at the Works of the party of the First Part, or elsewhere on hand at the time the party of the Second Part takes over the said works, etc., from the party of the First Part under the aforesaid recited Agreement; also all tools, piping and fixtures at the Works of the party of the First Part or elsewhere; also all the Works, Machinery, Plant, Rights, Privileges, Franchises and other property now belonging to the party of the First Part or which may belong to the party of the First Part at the time the Works, etc., are taken over by the party of the Second Part under the aforesaid Agreement, all which said Works, Machinery, Plant, Rights, Privileges, Franchises and other property, goods and chattels and effects are situate on Lots Nine (9) and Ten (10) on the West side of Church Street and Lot Nine (9) on the East side of Pinnacle Street and elsewhere within and without the Municipality of the City of Belleville.

And all the right, title, interest, property, claim and demand whatsoever, both at Law and Equity, or otherwise, of the said party of the First Part, of, in, to and out of the same, and every part thereof.

To have and to hold the said hereinbefore assigned property and every of them and every part thereof with the appurtenances and all the right, title and interest of the said party of the First part thereto and therein, as aforesaid, unto and to the use of the said party of the Second Part, its successors and assigns, to and for its and their sole and only use forever.

And

And the said party of the First Part doth hereby Covenant, Promise and Agree with the said party of the Second Part, its successors and assigns in manner following, that is to say,

That the said party of the First Part is now rightfully and absolutely possessed of and entitled to the said hereby assigned property and every of them, and every part thereof; and that the said party of the First Part now hath a good right to assign the same unto the said party of the Second Part, its successors and assigns, in manner aforesaid, and according to the true intent and meaning of these presents; and that the said party hereto, of the Second Part, its successors and assigns, shall and may from time to time, and at all times hereafter, peaceably and quietly have, hold, possess and enjoy the said hereby assigned property and every of them, and every part thereof, to and for its own use and benefit, without any manner of hindrance, interruption, claim or demand whatsoever of, from or by the said party of the First Part, or any person or persons whomsoever; and that free and clear, and freely and absolutely released and discharged, or otherwise at the cost of the said party of the First Part, effectually indemnified from and against all former and other bargains, sales, gifts, grants, titles, charges and encumbrances whatsoever, except as to the incumbrances and terms set out in the Agreement recited aforesaid.

And moreover, that the said party of the First Part, and all persons rightfully claiming, or to claim any estate, right, title or interest of, in or to the said hereby assigned property and every of them, and every part thereof, shall and will from time to time, and at all times hereafter upon every reasonable request of the said party of the Second Part, its successors and assigns, but at the cost and charges of the said party of the Second Part, make, do and execute, or cause or procure to be made, done and executed, all such further acts, deeds and assurances for the more effectually assigning and assuring the said hereby assigned property unto the said party of the Second Part, its successors and assigns in manner aforesaid, and according to the true intent and meaning of these Presents as by the said party of the Second Part, its successors or assigns, or its Counsel shall be reasonably advised or required.

And the party of the First part does hereby assign, transfer and set over to the party of the Second Part, its successors and assigns all accounts, notes, claims and choses in action now possessed or which may be possessed by the party of the First Part at the time of the taking over of the Works, etc., as provided in the aforesaid recited Agreement.

In witness whereof the President and Secretary of the Company have affixed their signatures hereunto and attached the Corporate Seal of the Company, and the Mayor and Clerk of the City have affixed their signatures hereunto and attached the Corporate Seal.

(L. S.)

(Sgd.) W. W. CHOWN,
President.

(Sgd.) W. J. THOMSON,
Secretary.

(Sgd.) W. W. CHOWN,
Mayor.

(L. S.)

(Sgd.) W. C. MIKEL,
Clerk.

CHAPTER 42.

An Act to confirm By-law No. 814 of the City of Chatham.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Corporation of the City of Chatham has by petition shown that owing to uncertainty existing in the City of Chatham as to the financial condition of the said city, it was deemed advisable to have an audit of the city's finances by a Government Auditor and that the City Council, on the 15th day of January, 1903, passed a by-law appointing F. H. Macpherson, F. C. A., to audit the city's accounts under the provisions of *The Municipal Act* in that behalf; and that the said F. H. Macpherson made a thorough inspection, examination and audit of the books, accounts, vouchers and moneys of the corporation of the said city, and reported the same to the council of the said city on the 24th day of October, 1903, and it was then learned by the council and ratepayers of the said city that an unprovided-for indebtedness had accumulated from time to time, amounting in all to \$49,734.93 for which the corporation of the said city is justly liable; and that it was then also learned by the council and ratepayers of the said city that during the time while the said unprovided-for indebtedness was accumulating, the said city was paying all the interest on the outstanding debentures of the city, and, in addition thereto, was paying upon the debentures issued for purchase of waterworks and consolidated debentures alone the sum of \$27,874.50 yearly, besides meeting all other debenture debts as they became due, and reduced the principal indebtedness of the city very much more than the same was added to or would be increased by the said \$49,734.93 or the debentures to be issued therefor; and that the said corporation have deemed it to be impracticable to continue to pay such debenture indebtedness by instalments as heretofore, and at the same time levy at once for the said sum of \$49,734.93; and that the said corporation desires to pay off the said last-mentioned sum by instalments and, for that purpose, to issue and sell debentures of the said corporation for the sum of 50,000, so as to pay off the said indebtedness in thirty consecutive annual instalments (including principal and interest extending over such thirty years)

years) of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and that, with the object and purpose aforesaid, the council of said corporation did on the 25th day of January, 1904, pass By-law No. 814 of the said city intituled, "A by-law to consolidate a portion of the debt of the City of Chatham and to issue debentures therefor," which by-law is set forth in Schedule A to this Act, and that the said by-law had previously been duly submitted to and had received the assent of the electors of said city qualified to vote on the said by-law; and whereas the said corporation has by its petition prayed that an Act may be passed to confirm the said by-law and to authorize the issue and sale of debentures thereunder and to validate the debentures to be issued under such by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 814 of the Municipal Corporation of the City of Chatham set forth in Schedule A to this Act is confirmed and declared legal, valid and binding upon the said municipal corporation, and the ratepayers thereof notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same or otherwise; and the Corporation of the City of Chatham is authorized and empowered to issue debentures as provided by the said by-law; and the debentures so to be issued under the said by-law are declared to be valid and binding upon the said municipality; and the said corporation is authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said By-law No 814, and the issue and sale of debentures thereunder.

By-law No.
814 of City
of Chatham
confirmed.

SCHEDULE A

By-law No. 814.

A By-law to consolidate a portion of the debt of the City of Chatham and to issue debentures therefor.

Provisionally adopted Dec. 11, 1903.

Passed January 25.....1904.

Whereas there existed in the City of Chatham some uncertainty as to the financial condition of the said city and it was deemed advisable to have an audit of the city's finances by a Government auditor, and the City Council on the 15th day of January, 1903, passed a By-law appointing F. H. MacPherson, F. C. A., to audit the city's accounts under the provisions of the Consolidated Municipal Act in that behalf.

And

And whereas the said Macpherson made a thorough inspection, examination and audit of the books, accounts, vouchers and moneys of the Corporation of said city and sent in a report to the Council of said city, such report bearing date the 24th day of October, 1903; and it was then learned by the Council and ratepayers of the said city that an unprovided for indebtedness had accumulated from time to time, amounting in all to \$49,734.93, for which the corporation of the said city is justly liable. It was also learned that during the time while the said unprovided for indebtedness was accumulating the said city was paying all interest on the outstanding debentures of the city, and in addition thereto was paying upon the waterworks and consolidated debentures alone the sum of \$27,874.50 yearly, besides meeting all other debenture debts, as they become due and reduced the principal indebtedness of the city very much more than the same was added to or would be increased by the said \$49,734.93 or the debentures to be issued therefor.

And whereas the Council of said city have deemed it to be impracticable to continue to pay such debenture indebtedness by instalments as heretofore, and at the same time levy at once for the sum of \$49,734.93, but the Council desire to pay off the said \$49,734.93 by instalments, and for that purpose deem it advisable to issue and sell debentures of the corporation of said city for the sum of \$50,000.00, so as to pay off said indebtedness in thirty equal annual instalments, including principal and interest extending over such thirty years, as hereinafter mentioned.

And whereas it will require the sum of \$2,891.55 to be raised annually for the payment of such last mentioned indebtedness and interest.

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll is \$3,764,234.

And whereas the existing debenture debt of the municipality is \$477,-815.80 (exclusive of local improvement debts secured by special tax rates or assessments) and no part of the principal or interest is in arrear.

Therefore the Municipal Council of the Corporation of the City of Chatham enacts as follows :—

1. That the Mayor and Treasurer of the said City of Chatham may borrow on the credit of the said corporation the sum of \$50,000 (being the funds necessary for the purpose and with the object aforesaid) and may issue and sell or otherwise negotiate or dispose of debentures of the said corporation sealed by the corporation seal of said city and signed by the Mayor and Treasurer thereof to that amount in sums not less than \$10 .0) each and payable within 30 years, with interest at the rate of four per cent. per annum, computed from the date of such debentures, that is to say, in thirty consecutive annual instalments or sums during the currency of the period within which the debt is to be discharged and such yearly sums shall be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period.

2. The said debentures shall be made payable at the Standard Bank of Canada, in the said City of Chatham.

3. To provide for the payment of such instalments of principal and interest as they become respectively payable, the sum of \$2,891.55 shall be raised in each year for the period of thirty years, and for such purpose a special rate shall be levied sufficient therefor on all rateable property in the said city.

4. This By-law shall take effect and come into operation on date of the final passing thereof.

5. The votes of the electors of the said city shall be taken upon this By-law by the deputy returning officers hereinafter named on Monday, the fourth day of January, A.D. 1904, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon, at the following places :—

Polling sub-division No. 1, at waggon shop of J. D. Thompson, N. S. Head street, J. Northwood, Deputy Returning Officer.

Polling

Polling sub-division No. 2, at Scott Bros.' office, near cor. Head and Thames streets, John Rice, Deputy Returning Officer.

Polling sub-division No. 3, at the Police Station, S. S. Thames street, Robert Brunker, Deputy Returning Officer.

Polling sub-division No. 4, at the grocery of W. T. Cornish, cor. Murray and Adelaide streets, David Holmes, Deputy Returning Officer.

Polling sub-division No. 5, at the residence of Mrs. Henry Etches, N S. Coborne street, Isaac Smith, Deputy Returning Officer.

Polling sub-division No. 6, at the grocery of C. T. Cherry, cor. King and Princess streets, W. O. Bentley, Deputy Returning Officer.

Polling sub-division No. 7, at the Old Town Hall, Market Square, Arthur Richardson, Deputy Returning Officer.

Polling sub-division No. 8, at the tailor shop of J. A. Gordon, E. S. Fifth street, James Richardson, Deputy Returning Officer.

Polling sub-division No. 9, at the office of J. & J. Oldershaw, N. S. King street, Arthur Dunn, Deputy Returning Officer.

Polling sub-division No. 10, at the grocery of J. Rhody, cor. Raleigh and Cross streets, C. R. Hancock Deputy Returning Officer.

Polling sub-division No. 11, at the store of Willard McKay, cor. Queen and Richmond streets, John Turner, Deputy Returning Officer.

Polling sub-division No. 12, at the residence of Mrs. Calmeyn, cor. Queen and Gray streets, John R. Snell Deputy Returning Officer.

Polling sub-division No. 13, at the residence of J. A. Sissons, cor. William and Witherspoon streets, W. A. Wilson, Deputy Returning Officer.

Polling sub-division No. 14, at the bakery of Joseph Waterhouse, cor. of Park and Scoane streets, J. C. Richards, Deputy Returning Officer.

Polling sub-division No. 15, at the residence of Patrick Kelly, cor. Park avenue and Pine street, J. C. Northwood, Deputy Returning Officer.

6. That the Mayor or other head for the time being of the municipality of the City of Chatham shall, on Thursday, the 31st day of December, 1903, at two o'clock in the afternoon, at the City Clerk's Office, in Harrison Hall, in the City of Chatham, be present to appoint persons to attend at the various polling places and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in and promoting or opposing the passage of the By-law respectively, and the said Clerk shall on Thursday, the seventh day of January, 1904, at two o'clock in the afternoon, at his office, Harrison Hall, in the City of Chatham, sum up the number of votes given for and against the By-law.

W. G. MERRITT,
Clerk.

W. E. McKEOUGH,
Mayor.

CHAPTER 43.

An Act to incorporate the Village of Chatsworth.

*Assented to 26th April, 1904.***Preamble.**

WHEREAS certain ratepayers within the Police Village of Chatsworth, in the County of Grey, have by petition set forth, that the Police Village of Chatsworth was set apart as a Police Village by by-law of the county council of the County of Grey in the year 1878 with the following boundaries: Commencing at the intersection of the Eastern boundary of the Canadian Pacific Railway with the Northern boundary of the First Division of Lot number Four in the First Concession of the Township of Holland,—thence southerly along said Easterly boundary to the Northern boundary of the Third Division of Lot number Five in the First Concession of the Township of Holland,—thence along the Northern boundary of the said Third Division to the Easterly limit of the Garafraxa Road,—and including all of that part of the First, Second and Third Divisions of Lot number Four and the First and Second Divisions of Lot number Five in the First Concession East of the Garafraxa Road in the Township of Holland between the Eastern boundary of the said Railway and the said Easterly limit of the Garafraxa Road,—also those portions of the First, Second and Third Divisions of Lot numbered Four and those portions of the First and Second Divisions of Lot numbered Five in the First Concession of the Township of Sullivan lying between the Garafraxa Road and a line across said Divisions at a uniform distance of twenty rods Westerly from the Garafraxa Road, inclusive of all the allowances for roads within or between the said lands; that the said Village now contains a population of 440 souls, according to the last enumeration of the assessors; that the petitioners are desirous that the inhabitants of the said village shall be incorporated under the name of "The Corporation of the Village of Chatsworth" with the powers vested in villages incorporated under the provisions of *The Consolidated Municipal Act, 1903*; that it is necessary and in the interests of the inhabitants of the said village that the words and improvements should be constructed therein which exceed the powers of police trustees; that, owing to the situation of the said village, the police village system is not adapted to the requirements of the community, and that it would greatly conduce to

to the benefit of the said village to be incorporated; and have prayed that an Act may be passed so incorporating the said village; and whereas no opposition has been offered to the granting of the prayer of the said petition, and it appears that the petitioners include almost the whole number of rate-payers in the said village; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.** On and after the passing of this Act the inhabitants of the said Village of Chatsworth comprised within the boundaries in the second section of this Act mentioned, shall be, and they are hereby constituted a corporation or body politic, separate and apart from the Townships of Holland and Sullivan, in which the said Village is now situated, under the name of "The Corporation of the Village of Chatsworth," and shall enjoy all such rights, powers and privileges as are now or shall hereafter be conferred upon incorporated villages in the Province of Ontario.
- Village of
Chatsworth
incorporated.
- 2.** The said Village of Chatsworth shall comprise and consist of the lands within the following boundaries, that is to say:—Commencing at the intersection of the Eastern boundary of the Canadian Pacific Railway with the Northern boundary of the First Division of Lot number Four in the First Concession of the Township of Holland,—thence Southerly along said Easterly boundary to the Northern boundary of the Third Division of lot number five in the said First Concession of the Township of Holland,—thence along the Northern boundary of the said Third Division to the Easterly limit of the Garafraxa Road,—and including all of that part of the First, Second and Third Divisions of Lot number Four, and the First and Second Divisions of Lot number Five in the First Concession East of the Garafraxa Road in the Township of Holland lying between the Eastern boundary of the said Railway and the said Easterly limit of the Garafraxa Road,—and also those portions of the First, Second and Third Divisions of lot numbered four, and those portions of the First and Second Divisions of Lot numbered Five in the First Concession of the Township of Sullivan, lying between the Garafraxa Road and a line across the said Divisions at a uniform distance of twenty rods Westerly from the Garafraxa Road, inclusive of all the allowances for the roads within or between the said lands.
- Limits of
village.

- 3.** On the second day of May, 1904, it shall be lawful for John MacDonald, Clerk of the Sixth Division Court of the County of Grey, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at some prominent place in the said village, at the hour of noon, and he
- First election
of Council.

he shall preside at such nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer, and the polling for the said election in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification
at first
election.

4. At the said election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent, elections the qualification of electors and of the reeve, councillors and other officers shall be the same as that required in incorporated villages.

Clerks of
townships to
furnish asses-
ment roll, etc.

5. The township clerks of the Townships of Holland and Sullivan shall furnish to the returning officer, upon demand made by him for the same, a certified copy of so much of the last revised assessment rolls of the said townships respectively as may be required, to ascertain the persons entitled to vote at such first election, or the collector's roll or any document, writing, or statement that may be required for that purpose.

First meeting
of Council.

6. The reeve and councillors so to be elected shall hold their first meeting at some prominent place in the said village, at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Application
of provisions
of 3 Edw. VII.
c. 19, as to
villages.

7. Save as otherwise provided by this Act the provisions of *The Consolidated Municipal Act, 1903* and of all other general Acts respecting municipal institutions, with regard to matters consequent upon the formation of new corporations and the other provisions of the said Acts applicable to incorporated villages, shall apply to the Village of Chatsworth in the same manner as they would have been applicable had the said Village of Chatsworth been incorporated under the provisions of the said Acts.

Village
separated
from town-
ships.

8. From and after the passing of this Act the said village shall cease to form part of the Townships of Holland and Sullivan, and shall to all intents and purposes, form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Expenses of
incorporation.

9. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever required by the Clerk of the said village, or other officers

officers of the said village, or otherwise shall be borne by the said village and be paid by it to any party that may be entitled thereto.

10. The said village shall form part of the electoral district ^{Representation.} of the Centre Riding of the County of Grey and part of the Eighth County Council Division of the County of Grey.

CHAPTER 44.

An Act respecting the Town of Collingwood.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Municipal Corporation of the Town of Collingwood has by petition represented that by an Agreement bearing date the fifth day of March, 1900, and made between one Charles D. Cramp and John Allister Currie of the first part and the Corporation of the Town of Collingwood of the second part, and confirmed by the Act passed in the 63rd year of the reign of Her late Majesty, Queen Victoria, chaptered 65, the said parties of the first part did agree that they would cause to be constructed and operated certain iron and steel works and would carry on the said works as provided in the said agreement within the Town of Collingwood; in consideration whereof the said municipal corporation did agree to pay to the said parties of the first part when the said industry should be in complete operation the sum of \$115,000, to grant a free site on the water front containing 50 acres of land together with certain privileges as to taxation and assessment upon the terms and conditions more fully set out in the said agreement; that on the seventh day of March, 1900, a By-law No. 551 of the said municipal corporation was introduced by the municipal council thereof, and read a first time to issue debentures for the said sum of \$115,000 and for the sum of \$10,000 to be expended in providing a site therefor, and to dredge a channel into the docks of the said industry as provided in the said agreement; that the said by-law was submitted for the approval of the rate-payers of the said town on the 30th day of March, 1900, and received the almost unanimous assent of the electors of the said town, and was finally passed by the said municipal council, and was confirmed by the said Act; that the said Charles D. Cramp and John Allister Currie have assigned all their interest in the said agreement to the Cramp Steel Company, Limited; that by an Act passed in the first year of the reign of His Majesty, King Edward the Seventh, chaptered 50, the said agreement and by law were varied or amended as to the classes of product to be manufactured by the said company and by extending the time for the issue of the said debentures under the said by-law No. 551 for a period of five

five years from the ninth day of April, 1900; that by an Act passed in the third year of His Majesty's reign, chaptered 40, the Town of Collingwood was authorized to issue a debenture for the sum of \$6,000 to pay for the site purchased for the said industry, and By-law No. 630 of the Town of Collingwood authorizing the issue of debentures for the sum of \$6,000 was duly ratified and confirmed and the said debentures have been issued and the moneys realized thereunder applied in payment for the said site; that by section 2 of the said last mentioned Act it was declared that upon the sale of the debentures authorized to be issued by the Act passed in the 63rd year of the reign of Her late Majesty, Queen Victoria, chaptered 65, the sum of \$6,000 part of the proceeds thereof, should be set apart and invested for the purpose of redeeming the debentures authorized to be issued under the said By-law No. 630; that at the request of the said company the Town of Collingwood by deed dated the 20th day of June, 1903, conveyed to the said company in fee simple twenty-five acres of land being part of the said site of this industry; that the said Cramp Steel Company, Limited, in pursuance of the said agreement entered into with the Town of Collingwood have constructed and equipped on the site mentioned open hearth steel furnaces and rolling mills for the manufacture of iron and steel bars, rods, structural shapes and ingots or any other iron and steel product, capable of turning out at least 120 tons of merchantable product per day, and such works are of modern design and substantial character, and are fully equipped with all modern machinery, plant, stacks, heating furnaces, boilers, pumps, buildings and premises for the proper operation thereof, and the company have invested in the establishment of the said plant and machinery, the sum of \$365,000; that the said company consider it inadvisable, having regard to the state of the iron trade at the present time, to erect a blast furnace in connection with the said plant at the present time, and have agreed with the Town of Collingwood by Indenture of Agreement bearing date the Tenth day of November, 1903, on payment of the sum of \$60,000 to release the Town of Collingwood from payment of the said bonus of \$115,000, and the Town of Collingwood and the said company have agreed that, upon payment of the said sum of \$60,000, the before in part recited agreement bearing date the fifth day of March, 1900, shall be cancelled and the said agreement bearing date the tenth day of November, 1903, shall be substituted in the place thereof, and that the said company will operate the said steel plant and rolling mills at the said Town of Collingwood for a period of thirty years and will pay full taxes on an assessment of \$200,000, and employ on the average 200 men daily for 300 days in the year during the said period; that a by-law of the Town of Collingwood has been passed to carry out the said last mentioned agreement, and for that purpose to raise by way of debentures the sum of \$60,000 to grant

grant to the said company as aforesaid ; that the operation of the said industry is of great importance, not only to the said Town of Collingwood, but to the whole Province at large ; and whereas the said Corporation of the Town of Collingwood has prayed that an Act may be passed to confirm the said By-law No. 642 and the said agreement dated the 10th day of November, 1903, and to repeal the said Act passed in the 63rd year of the reign of Her late Majesty, Queen Victoria, and to repeal the said section 2 of the Act passed in the 3rd year of His Majesty's reign ; and whereas the said municipal corporation has further represented that on the 27th day of October, 1903, By-law No. 641 of the Town of Collingwood was passed to raise by way of debentures the sum of \$14,300 to pay for the construction of certain granolithic sidewalks laid down on certain streets of the Town of Collingwood, the same having been so laid down pursuant to the petitions of the ratepayers in that behalf under the provisions of *The Consolidated Municipal Act, 1903*, and such debentures have been issued and sold, but the purchaser thereof, upon the advise of counsel, refuses to accept the same, alleging certain irregularities in carrying out the said local improvements, to wit : that the actual cost exceeded by more than ten per cent. the estimated cost thereof, and that no second court of revision was held, as required by sub-section 8 of section 671 of *The Consolidated Municipal Act 1903* ; and whereas the said corporation has prayed that the said by-law may be validated and confirmed ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law No.
642 of Town of
Collingwood
confirmed.

1. Subject to the provisions hereinafter contained By-law No. 642 of the Municipal Corporation of the Town of Collingwood, set forth as Schedule A to this Act, and the debentures to be issued thereunder, and the Agreement bearing date the 10th day of November, 1903, set forth as Schedule B to this Act are declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction in the said municipality to pass the said by-law and issue such debentures and enter into such agreement, and notwithstanding any defect in substance or in form of the said by-law and agreement or in the manner of passing the same.

63 Vic. 65 and
1 Edw. vii.
c. 50, repealed.

3 Edw. vii.
c. 46,
amended.

2. *The Act respecting the Town of Collingwood and Charles D. Cramp* being chapter 65 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria and *The Act respecting the Town of Collingwood and The Cramp Ontario Steel Company*, passed in the 1st year of His Majesty's reign, chaptered 50, are repealed, and the Act passed in the 3rd year

year of the reign of His Majesty King Edward the Seventh chaptered 46 is amended by striking out the second section thereof.

3. Notwithstanding anything contained in any general law of this Province respecting municipal taxation the lands of the company heretofore or hereafter acquired by the said company in the Town of Collingwood shall be liable to taxation for all general municipal and school purposes during the period of thirty years from the first day of July, 1904, upon a fixed assessment of \$200,000 and no other taxes shall be payable by the said company in the said town for such purposes during the said period.

4. The deed of conveyance dated the 20th day of June, 1903, made by the said corporation to the said company and set out in Schedule C to this Act is confirmed and declared to be legal, valid and binding upon the parties thereto, to all intents and purposes.

5. The Corporation of the Town of Collingwood may lease to the said company the lands described in paragraph numbered 4 of the said agreement in the manner and upon the terms set out in the said paragraph, and the said corporation may pass all by-laws and do all acts necessary to carry out the true intent and meaning of the said agreement.

6. By-law No. 641 of the Town of Collingwood, set forth as Schedule "D" to this Act, to raise by way of debentures the sum of \$14,300 to pay for certain local improvements, and the debentures to be issued thereunder, are confirmed and declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction in the said municipality to pass such by-law and notwithstanding any defect in substance or in form of the said by-law or the debentures to be issued thereunder or in the manner of passing the same.

SCHEDULE A.

By-Law Number 642.

By-law Number 642 of the Town of Collingwood to provide for the grant to the Cramp Steel Company, Limited, of the bonus of sixty thousand dollars, as the bonus for the erection of a steel manufacturing industry and rolling mills at the Town of Collingwood in lieu of the bonus of \$115,000 granted them under by-law Number 551 and to authorize the issue of debentures therefor.

Whereas by an agreement bearing date the fifth day of March, 1900, and made between Charles D. Cramp, of the City of Philadelphia, in the State of Pennsylvania, one of the United States of America, Capitalist, and John Allister Currie, of the City of Toronto, in the County of York,

Broker, thereafter called "The Parties" of the first part, and the Corporation of the Town of Collingwood, in the Province of Ontario, thereafter called "The Corporation" of the second part, the said parties of the first part did agree that they would cause to be constructed, equipped and operated within the Town of Collingwood an iron and steel smelting industry, at a cost of not less than \$700,000, and in consideration thereof the said Corporation agreed to grant a cash bonus of one hundred and fifteen thousand dollars, a free site on the water front containing fifty acres, including water lots, together with certain privileges therein set forth as to the description and assessment of the said property.

And whereas the said Charles D. Cramp and John Allister Currie have, with the consent of the said Corporation, assigned all their interest in the said contract to the Cramp Steel Company Limited.

And whereas by By-law Number 551 of the said Corporation debentures were authorized to be issued for the sum of one hundred and twenty-five thousand dollars to grant by way of bonus to the said Company toward the establishment of the said iron and steel smelting industry, to purchase a site therefor and to make provisions toward dredging out the channel to the dock of the said industry.

And whereas the said Cramp Steel Company Limited, have entered into an agreement with the Municipal Corporation of the Town of Collingwood by Indenture of Agreement dated the tenth day of November, 1903, whereby in consideration of receiving the said bonus of \$60,000 and other considerations in said agreement mentioned they have agreed to release the said Corporation from all obligations to grant the said bonus of \$115,000 and from all other obligations on the part of the Corporation contained in the said agreement of the fifth of March, 1900.

And whereas it is expedient to grant the said bonus of \$60,000 and, in order thereto, it will be necessary to issue debentures of the said Town to the extent of sixty thousand dollars.

And whereas it has been agreed that the said steel manufacturing industry and rolling mills, their plant, buildings and machinery shall be immediately assessed for all taxable purposes at the sum of two hundred thousand dollars, upon which the said Cramp Steel Company, Limited, shall pay taxes.

And whereas the amount of the whole rateable property of the Municipality of the Town of Collingwood according to the last revised assessment roll amounts to \$1,915,957.

And whereas the existing debenture indebtedness of the said Municipality amounts to \$388,721.69, and no principal or interest is in arrears.

And whereas it will require the sum of \$3,469.80 to be raised annually for a period of thirty years to pay the interest of and discharge the said debt as the same becomes due and payable.

Therefore, the Municipal Council of the Town of Collingwood enacts as follows:—

1. That the Mayor of the said Town is hereby authorized and required to issue debentures of the said Town to the amount of \$60,000, and such debentures shall be signed by the Mayor and Treasurer of the Town of Collingwood, and sealed with the Corporate Seal, and there shall be thirty such debentures, each for the sum of \$3,575.90, payable on the first day of December, in the year of our Lord 1904, and on each next succeeding twenty-nine years thereafter, it being estimated that such thirty debentures are equal to \$60,000 of the principal money with interest from the first day of December, 1903, at the rate of four and one-quarter per centum per annum upon the amount of principal money from time to time remaining unpaid, the amount of principal and interest represented in each of such debentures being as follows:—

Year

Year.	Interest.	Principal.	Annual. Payment.
1	\$2,550 00	\$1,025 90	\$3,575 90
2	2,506 40	1,069 50	3,575 90
3	2,460 95	1,114 95	3,575 90
4	2,413 56	1,162 34	3,575 90
5	2,364 16	1,211 74	3,575 90
6	2,312 66	1,263 24	3,575 90
7	2,258 97	1,316 95	3,575 90
8	2,203 00	1,372 90	3,575 90
9	2,144 66	1,431 24	3,575 90
10	2,083 83	1,492 07	3,575 90
11	2,020 42	1,555 48	3,575 90
12	1,954 31	1,621 95	3,575 90
13	1,885 39	1,690 51	3,575 90
14	1,815 54	1,762 36	3,575 90
15	1,738 64	1,837 26	3,575 90
16	1,660 56	1,915 34	3,575 90
17	1,579 16	1,996 74	3,575 90
18	1,494 30	2,081 60	3,575 90
19	1,405 83	2,170 07	3,575 90
20	1,313 60	2,262 30	3,575 90
21	1,217 45	2,358 45	3,575 90
22	1,117 22	2,458 68	3,575 90
23	1,012 72	2,563 18	3,575 90
24	903 79	2,672 11	3,575 90
25	790 22	2,785 68	3,575 90
26	671 83	2,904 07	3,575 90
27	548 41	3,027 49	3,575 90
28	419 74	3,156 16	3,575 90
29	285 61	3,290 29	3,575 90
30	145 77	3,430 13	3,575 90

2. That the proceeds of the said debentures shall be paid to the said Cramp Steel Company, Limited, to the extent of \$60,000.

3. To provide for the payment of the said sum of \$60,000 and interest thereon as aforesaid, the sum of \$3,575.90 shall be levied and raised annually for a period of 30 years, commencing with the year 1903, by special rate sufficient therefor on all rateable property in the Town of Collingwood.

4. That the said debentures shall be payable at the Bank of Toronto, Collingwood.

5. That this by-law shall come into force and have effect from and after the ratification of the same by the Legislature of the Province of Ontario.

Passed in open Council this tenth day of November, 1903.

SCHEDULE B.

Memorandum of Agreement made in duplicate this tenth day of November, one thousand nine hundred and three, between the Cramp Steel Company, Limited, hereinafter called the "Company," of the first part, and the Corporation of the Town of Collingwood, hereinafter called the "Corporation," of the second part.

Whereas an agreement dated the fifth day of March, 1900, was entered into between Charles D. Cramp and John Allister Currie of the one part and the Corporation of the Town of Collingwood of the other part, the benefit of which agreement has been assigned by the said Charles D. Cramp and John Allister Currie to the Company, with the consent of the Corporation.

And

And whereas such agreement has been modified by an Act of the Ontario Legislature, 1 Edward VII., Chapter 50.

And whereas under the said agreement the Company has erected at the Town of Collingwood certain works for the manufacture of iron and steel products.

And whereas at the request of the Company the Corporation, by deed dated the twentieth day of June, 1903, conveyed to the Company in fee simple the following lands, namely :—

All and singular that certain parcel or tract of land and premises situated, lying and being in the Town of Collingwood, in the County of Simcoe and Province of Ontario, and being composed of the South-Easterly Twenty-five acres of Lot Number Forty-Five in the Tenth Concession of the Township of Nottawasaga, which said grant and conveyance is hereby confirmed.

And whereas the parties hereto have agreed to rescind the said Agreement and to substitute these presents therefor

Now therefore this indenture witnesseth that in consideration of the premises and the matters hereinafter set forth, the parties hereto for themselves, their successors and assigns, respectively do hereby Covenant, Promise and Agree each with the other in the manner following, that is to say :—

1. The Company, their successors and assigns, will cause to be constructed, equipped (provided the same is not already constructed and equipped) and operated within the Municipality of the Town of Collingwood on the lands before described, all the necessary steel furnaces and rolling mills for the manufacture of iron and steel bars, rods, structural shapes and ingots or any other iron and steel product, capable of turning out at least one hundred and twenty tons of merchantable product per day, such works to be of modern design and substantial character, and to be fully equipped with all the necessary machinery, plant, furnaces, stacks, heating furnaces, engines, boilers, pumps, buildings and the premises for the proper operation thereof, and the company will invest, if the same be not already invested, not less than the sum of \$365,000 in the establishment of the said plant and machinery, which fact shall be proved by a statutory declaration of the President and Secretary of the said Company.

2. That the Company will keep in operation day by day for thirty years from and after the first day of July, 1904, a steel plant as aforesaid, capable of producing one hundred and twenty tons of merchantable product daily, and employing on the average two hundred men daily for three hundred days in the year.

3. The Corporation will grant to the Company a bonus in addition to the said conveyance of twenty-five acres of land, the sum of sixty thousand dollars, which shall be payable to the Company as soon as and when the said steel plant has been in operation, according to the true intent and meaning of this Agreement for forty-five days. The Corporation shall have the right before the payment of the said bonus to appoint a competent Engineer who shall be acceptable to both parties and who shall have authority to enter upon and inspect the said works and to report to the Corporation. In the event of disagreement as to the appointment of such Engineer, the County Judge on the application of either party, may appoint one.

4. The Corporation agrees to lease (provided, and so far as it has power to do so) to the Company for five years from the first of July, 1904, at a nominal rental of one dollar per annum, subject to the terms of this Agreement, the following lands and water lots, that is to say :—

Parcel 1. The lands conveyed to the Corporation of the Town of Collingwood by the Collingwood Meat Company, Limited, by deed bearing date the fifth day of July, 1901, namely all and singular that certain parcel

parcel or tract of land and premises, situate, lying and being in the Town of Collingwood, in the County of Simcoe and Province of Ontario, and being composed of all that portion of broken lot number forty-five in the ninth concession of the Township of Nottawasaga in the County of Simcoe (now in the Town of Collingwood), and including a water lot in front thereof and containing by admeasurement in all twenty-two acres and thirty-three one-hundredths of an acre more or less, but subject to the exceptions and reservations therein contained, and subject also to the terms of a certain Agreement respecting a railway switch entered into between the said Collingwood Meat Company and the Grand Trunk Railway of Canada, bearing date the second day of January, A.D. 1900.

Parcel 2. The land conveyed to the Corporation of the Town of Collingwood by Deed from John Wilson and others dated the Sixth day of July, 1901.

Parcel 3. The lands described in the Patent from the Crown as represented by the Government of the Province of Ontario dated the Twenty-third day of March, 1901, namely :—Part of Water Lot K 3 being in the harbor of the Town of Collingwood.

Parcel 4. The Water Lot described in a Patent to the said Corporation from the Crown, as represented by the Government of the Dominion of Canada, dated the Tenth day of July, 1903.

And the said Company, their successors and assigns shall be at liberty to hold, enjoy and occupy the said lands including water lots, and to erect thereon blast furnaces for smelting Iron Ore, and Wharves, Buildings, Plant and Construction of all kinds required to be used in connection with the business of the said Company, and upon the expiry of the said term of Five years the Company shall be entitled to a Conveyance of all the right, title, interest and claim of the Corporation in and to the said lands, Provided that default be not made in the meantime in this Agreement by the said Company, and Provided further that the Company shall have before the expiry of the said term of five years, erected on the said leased lands one or more blast furnaces capable of smelting two hundred tons of iron ore daily, and shall have erected a good and sufficient wharf from the dry land out into the water, so far that there shall be a sufficient depth of water immediately in front thereof, or Provided that the Company has constructed other buildings or erections in connection with its business of a like value, acceptable to the Corporation. And the said Company agree that in case default be made by the Company in this Agreement, or in case the Company shall not before the expiry of the said term of Five years have erected and have in operation on the said lands one or more blast furnaces of the capacity aforesaid and shall not have erected a wharf of the description aforesaid, or the other constructions herein provided for, the Company will grant and release to the Corporation all their right, title and interest in and to the said leased lands, free from all incumbrances and will do all acts and things in their power necessary to enable the said Corporation to obtain a good title to the said lands, free from all conditions in favor of the said Company.

5. Provided, however, that before giving such grant and release, the Company shall have the first right or option to a further lease of the said lands for a period of five years, renewable for like periods upon such terms as may then be agreed upon, and, in case of dispute, upon such terms as may be fixed as proper by arbitration. Provided that at any time during the currency of any further lease after the expiration of the first five years lease, if the Company shall not have made substantial progress in the erection of the works herein provided for by the preceding clause, the Corporation shall have the right, upon six months' notice, to cancel and put an end to the said lease.

6. The parties agree that the land, works, buildings, plant and wharves and all other real and personal property used in connection with the said works

works, or the Company's business or adjuncts thereto shall be assessed for all purposes of taxation at the sum of Two hundred thousand dollars for the period of thirty years from the First day of January, 1904, but taxes thereon shall be charged and computed from the First day of July, 1904, and that such assessment shall not be increased or decreased on account of any subsequent addition or diminution to said buildings, plant or otherwise. And the Company, its successors or assigns, agrees to pay annually all taxes on said assessment of Two hundred thousand dollars for thirty years from the said First day of July, 1904.

7. The Company covenants and agrees to properly maintain and operate the said works and such works as shall hereafter be erected upon the said lands at the Town of Collingwood for a period of Thirty years from and after the First day of July, 1904, and should the said works not be properly maintained and operated within the true intent and meaning of this Agreement for a period of Twelve months, the Company shall, in addition to said taxes, repay to the Corporation annually the sum of Two thousand Dollars for each year and every year remaining of the Thirty years that the said Company shall fail to operate the said plant as aforesaid.

8. And provided that the said Company fails to pay the sum or sums falling due in manner aforesaid as the same becomes due, the said Corporation shall have power on Six months' notice in writing to the said Company, subject to the rights of any bond-holder of the said Company, to enter upon and to lease or seize and sell or otherwise dispose of the said lands, plant and machinery or a sufficient part thereof to realize the said amount or amounts payable as aforesaid.

9. And the Company, hereby, subject to the rights of any bond-holder of the said Company, charges the said lands, plant and machinery with the payment of the said sum of Two thousand Dollars for each and every default as aforesaid.

10. Provided that the failure on the part of the Company to operate the said plant occasioned by fire, accident, repairs and such other contingencies beyond the immediate control of the Company shall not be reckoned in estimating the said periods of twelve months named as periods of default, after which notice of entry and sale may be given, or after which the Company is liable to pay the said sums of two thousand dollars. And the said Company, or their successors or assigns, shall not remove the said plant, or any part thereof, from the said premises, except as may be found necessary in the carrying on of the Company's business in the way of improving or remodeling without the consent of the Corporation.

11. The Company covenants to insure and keep insured the buildings and machinery on the said lands in the sum of \$10,000 in an insurance company satisfactory to the Corporation, said policy to be assigned to the Corporation as their interest may appear, and the loss, if any, to be payable to the Corporation, and to be payable and applied in rebuilding as the company may direct.

12. The Company covenants to produce the time and weigh books of the Company to indicate whether this agreement is being carried out before the payment of the said bonus of \$60,000, and at least once a year thereafter for inspection by the corporation at such times and places as the Corporation shall by ten days' previous notice require.

13. The Company shall pay all men employed by them in or about the said works, in cash, at least fortnightly in the Town of Collingwood, and in selecting and training workmen will, where it is at all possible, give a preference to the men of the Town of Collingwood and the County of Simcoe.

14. The Company will not engage in or be connected with any business as merchants in the Town of Collingwood, or in the Counties of Grey and Simcoe, but will encourage their men, as far as possible, to deal with the merchants of Collingwood.

15. And the parties hereto hereby agree upon ratification of this Agreement by the Ontario Legislature, and the payment to the company of the said bonus of \$60,000 to release and discharge each other, their successors and assigns respectively, from the said Agreement dated the fifth day of March, 1900, as set forth in Schedule "A" to the Act of the Legislature of the Province of Ontario, passed in the sixty-third year of the reign of Her late Majesty Queen Victoria, Chapter sixty-five, and amended by an Act of the said Legislature, passed in the first year of the reign of His Majesty Edward VII, Chapter fifty, and from all covenants and conditions therein contained, and the parties agree and declare that these presents, when so ratified and the bonus paid to the Company, as aforesaid, shall be made and taken in substitution of the aforesaid agreement.

16. This Agreement and the By-law of the Corporation to be prepared and passed under it, are subject to such ratification by the Ontario Legislature as may be necessary to legalize the same. All costs and expenses and disbursements incurred in connection with this Agreement and by the said By-law and the application for legislation ratifying the same shall be borne by the Company.

And the Corporation agrees to send a deputation to the Provincial Government and Legislature in favor of the said legislation, and also to promote in every legitimate way the obtaining of such legislation.

In witness whereof the parties hereto have hereunto affixed their Corporate Seal the day and year first above written.

Signed, sealed and delivered
in the presence of

(Sgd.) DAN.. WILSON,
Mayor.

Seal of the Corporation of
The Town of Collingwood.

(Sgd.) J. H. DUNCAN,
Clerk.

Seal of The Cramp

J. WESLEY ALLISON,
President

Steel Company, Limited.

J. A. CURRIE,
Secretary.

SCHEDEULE C.

This Indenture made in duplicate the Twentieth day of June, One thousand nine hundred and three, in pursuance of the Act respecting short forms of conveyances, between the Municipal Corporation of the Town of Collingwood, of the First Part, and the Cramp Steel Company, Limited, of the Second Part.

Whereas by a Memorandum of Agreement bearing date the Fifth day of March, 1900, and made between the said Municipal Corporation and Charles D. Cramp and John Allister Currie, the said Cramp and Currie and their assigns agreed to cause to be constructed, equipped and operated within the Town of Collingwood a blast furnace with all necessary steel furnaces and rolling mills for the manufacture of iron and steel plates, structural shapes, rails and ingots, capable of turning out at least two hundred tons of finished merchantable product per day, and other matters more particularly referred to at length in the said Agreement, such Agreement having been modified in part by an Act of the Ontario Legislature, passed in the first year of the reign of His Majesty King Edward VII., Chapter 50.

And whereas the benefit of the said Agreement has been assigned by the said Charles D. Cramp and John Allister Currie to the said Cramp Steel Company, Limited, with the consent of the said Municipality.

And whereas in addition to other considerations, more specifically set forth in the said Agreement, so modified, the said Municipal Corporation agreed to furnish a free site of Fifty Acres of land, including the water lots adjacent, for the establishment of the said industry.

And

And whereas the said free site has been acquired by the said Municipality and leased to the said Company and occupied by them in their building operations.

And whereas it appears that the said Company have expended a very large sum of money in clearing and preparing the said site, in erecting substantial buildings and installing therein an up-to-date plant, and, although the said Company have not yet fully carried out their said Agreement, they have requested the said Municipality to grant to them in fee simple all that portion of the said site upon which their present buildings have been erected and plant installed, which the said Municipality have agreed to do.

Now therefore this Indenture witnesseth that, in consideration of the premises and of the sum of One Dollar of the lawful money of Canada, now paid by the said Company to the said Municipality (the receipt whereof is hereby by them acknowledged) they, the said parties of the first part do grant unto the parties of the second part in fee simple all and singular that certain parcel or tract of land and premises, situate, lying and being in the Town of Collingwood, in the County of Simcoe and Province of Ontario, and being composed of the South easterly Twenty-five acres of Lot number Forty-five in the Tenth Concession of the Township of Nottawasaga, and which may be better known and described as First Part do grant unto the parties of the Second Part, in fee simple, all follows:—Commencing at a point in the westerly limit of High Street, distant thirteen hundred and fifteen feet Northerly from the intersection of said Westerly limit of High Street with the Northerly limit of Water Street. Thence westerly parallel to the southerly limit of Artemesia Street, Eighteen Hundred and eighty-five feet more or less to the North Easterly limit of the Grand Trunk Railway. Thence South Easterly along the said North Easterly limit of the Railway Two thousand and seventy feet more or less to the Westerly limit of High Street. Thence North Eight degrees, ten minutes West along the westerly limit of High Street eleven hundred and ninety-five feet more or less to the point of commencement.

To have and to hold unto the said parties of the Second Part, their successors and assigns, to and for their sole and only use for ever, Subject, Nevertheless, to the reservations, limitations, provisoies and conditions expressed in the original grant thereof from the Crown.

The said parties of the First Part Covenant with the said parties of the Second Part, that they have the right to convey the said lands to the said parties of the Second Part, notwithstanding any act of the said parties of the First Part.

And that the said parties of the Second Part shall have quiet possession of the said lands, free from all incumbrances.

And the said parties of the First Part Covenant with the said parties of the Second Part, that they will execute such further assurances of the said lands as may be requisite.

And the said parties of the First Part Covenant with the said parties of the Second Part, that they have done no act to encumber the said lands.

And the said parties of the First Part Release to the said parties of the Second Part, all their Claims upon the said lands.

In witness whereof the said parties hereto have hereunto set their Corporate Seal.

Signed, Sealed and Delivered
in the presence of

(Sgd.) W. A. HOGG,
Mayor.

(Sgd.) J. H. DUNCAN,
Clerk.

Seal of the Municipal Corporation
of The Town of Collingwood

SCHEDULE

SCHEDULE D.

By-Law Number 641 of the Town of Collingwood.

To raise by way of debentures the sum of \$14,300 to pay for the construction of certain granolithic sidewalks laid down on certain streets of the Town of Collingwood and to authorize the issue of debentures therefor.

Whereas by by-law No. 475 of the Town of Collingwood passed on the 9th day of September, A.D., 1895, by an affirmative vote of three-fourths of the members of the council, provisions were made for ascertaining and determining what real property would be immediately benefited by any proposed work or improvement within the municipality, the cost of which to be assessed upon the real property immediately benefited thereby, and for determining the proportions in which the assessments of the final cost thereof should be made on the various portions of real estate so benefited.

It is also provided by the said By-law that one-third of the cost of any sidewalk laid under the said by-law should be borne out of the general funds of the Municipality, and the remaining two-thirds by the property-holders whose property fronted or butted on the streets, or portions of streets, upon which such sidewalk should be laid, except in the case of sides of lots, where the Municipality will bear forty per centum of the cost.

And whereas the owners of real property on the several undermentioned streets, being in the case of each part two-thirds in number and value of the owners of real property immediately benefited by the work or improvement of such part, according to the last Revised Assessment Roll, petitioned the Municipal Council of the said town for the laying of a granolithic sidewalk along the undermentioned parts of the undermentioned streets.

And whereas a sidewalk has accordingly been laid:

1. Along the north side of Market Square from Lane to Hurontario Street, five feet wide. Assessed value \$8,400.
2. Along the south side of Fourth Street from Hurontario Street to Maple Street, five feet wide. Assessed value \$7,160.
3. Along the east side of Cedar Street from Fourth Street to Cedar Street, five feet wide. Assessed value \$5,840.
4. Along the west side of Beech Street from Fourth Street to Fifth Street, five feet wide. Assessed value \$6,800.
5. Along the east side of Beech Street from Fourth Street to Fifth Street, five feet wide. Assessed value \$6,450.
6. Along the west side of Napier Street from Ontario Street to south side of Block F, five feet wide. Assessed value \$6,850.
7. Along the west side of Market Street from Lane to Home Street, five feet wide. Assessed value \$7,625.
8. Along the north side of Fourth Street from St. Paul Street to Hurontario Street, five feet wide. Assessed value \$8,150.
9. Along the east side of Beech Street from Second Street to Third Street, five feet wide. Assessed value \$6,300.
10. Along the north side of Ontario street from Hurontario Street to Ste. Marie street, five feet wide. Assessed value \$3,200.
11. Along the east side of Cedar Street from First Street to Second Street, five feet wide. Assessed value \$5,125.
12. Along the west side of Spruce Street from First Street to Second Street, five feet wide. Assessed value \$5,990.
13. Along the west side of Birch Street from First Street to Second Street, five feet wide. Assessed value \$4,042.

14. Along the east side of Robinson Street from Hume Street to Hamilton Street, five feet wide. Assessed value \$4,350.

15. Along the north side of Sixth Street from Walnut Street to Robinson Street, five feet wide. Assessed value \$29,500.

16. Along the west side of Robinson or St. Paul Street from Hamilton Street to end of Street Lot No. 14. Assessed value \$5,955.

17. Along the south side of Fifth Street from Birch Street to Walnut Street, five feet wide. Assessed value \$5,850.

18. Along the west side of Peel Street from Simcoe Street to Erie Street, five feet wide. Assessed value \$4,390.

19. Along the east side of Minnesota Street from J. McGill's residence Block "F" 107 feet southerly. Assessed value \$2,400.

And whereas the total frontage of the sidewalk so laid amounts to 15,013 feet, and the total cost, including engineer's fees, to the amount of \$14,300, of which the sum of \$9,555.06 is to be borne and paid and assessed against the real property immediately benefited by the said sidewalk, and the sum of \$4,744.94 is to be borne and paid by the municipality at large.

And whereas the probable life of the said sidewalk, according to the certificate of the engineer, is twenty years.

And whereas it will require the sum of \$1,099.33 to be levied and raised annually, for a period of twenty years, to pay the interest of and discharge the said debt as the same becomes due.

And whereas it will require the sum of \$364.77 to be levied and raised annually for the period of twenty years on all the rateable property in the said Town of Collingwood to pay the sum of \$4,744.94.

And whereas it will require the sum of \$734.56 to be levied and raised annually for the period of twenty years on the real property immediately benefited by the said sidewalks to pay the sum of \$9,555.06 residue of the said sum of \$14,300.

And whereas it is expedient to raise the sum of \$14,300 by the issue of one series of debentures.

And whereas the whole rateable property of the municipality according to the last revised assessment roll is \$1,915,957.00. The whole property rateable under this by-law is \$134,377 according to the last revised assessment roll, and the amount of the existing debenture debt of the said town is \$372,475.88, and no part of the principal or interest is in arrears.

And whereas the sum of \$9,555.06, a portion of the said debt, is created on the security of a special rate, enacted by this By-law, and is further guaranteed by the Municipality at large.

Therefore the Municipal Council of the Corporation of the Town of Collingwood enacts as follows:—

1. That the Mayor of the said Town is hereby authorized and instructed to issue Debentures of the said Town to the amount of \$14,300 and the proceeds thereof shall be used and expended in the construction of the said local improvements, and in no other way whatsoever.

2. That such Debentures shall be signed by the Mayor and Treasurer of the Town of Collingwood, and sealed with the Corporate Seal; and there shall be twenty such Debentures each for the sum of \$1,099.33 payable at the Bank of Toronto, Collingwood, on the 1st day of December, A.D. 1904 and in each succeeding nineteen years thereafter with interest at the rate of four and one-half per cent. per annum upon the amount of principal money from time to time remaining unpaid, the principal and interest represented in each of such Debentures being as follows:—

No.	Year.	Interest.	Principal.	Total.
1	1904	\$642.50	\$455.83	\$1,099.33
2	1905	622.99	476.34	1,099.33
3	1906	601.55	497.78	1,099.33
4	1907	579.15	520.18	1,099.33
5	1908	555.75	543.58	1,099.33
6	1909	531.28	568.05	1,099.33
7	1910	505.72	593.61	1,099.33
8	1911	479.01	620.32	1,099.33
9	1912	451.10	648.23	1,099.33
10	1913	421.02	677.41	1,099.33
11	1914	391.44	707.89	1,099.33
12	1915	359.59	739.74	1,099.33
13	1916	326.30	773.03	1,099.33
14	1917	291.51	807.82	1,099.33
15	1918	255.16	844.17	1,099.33
16	1919	217.17	882.16	1,099.33
17	1920	177.47	921.86	1,099.33
18	1921	135.99	963.34	1,099.33
19	1922	92.64	1,006.69	1,099.33
20	1923	47.34	1,051.99	1,099.33
			14,300.02	

To provide for the payment of the said sum of \$4,744.94 and interest thereon, the sum of \$364.77 shall be levied and raised annually for the period of twenty years, commencing with the year 1904, by a special rate sufficient therefor on all the rateable property within the Town of Collingwood.

4. To provide for the payment of the said sum of \$9,555.94 and interest thereon, the sum of \$734.56 shall be levied and raised annually for the period of twenty years upon all the real property immediately benefitted by the said improvements, as set out by this By-law, and for that purpose a special rate of four cents and 8 13-14 mills per foot frontage is imposed on each foot of the above described property to produce \$734.56, and shall be collected by the Collector of Taxes in the same manner, and at the same time as the other rates are collected.

5. The debt to be created on the security of the special rate settled by this By-law, for the portion of work payable by local assessment is further guaranteed by the Municipality at large.

6. That this By-law made in pursuance of 60 Vic., Chap 47 (Ont.) and amending Acts, shall come into force and have effect from and after passing thereof.

Passed in open Council this 27th day of October, A.D. 1903.

(Sgd.) W. A. HOGG,
Mayor. (Seal)

(Sgd.) J. H. DUNCAN,
Clerk.

CHAPTER 45.

An Act to confirm By-law No. 699 of the Township of Cornwall.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Municipal Corporation of the Township of Cornwall, the Cornwall Paper Manufacturing Company, Limited, and Michael P. Davis, by their petitions have prayed that an Act may be passed confirming a certain by-law, being By-law No. 699 of the said township, and a certain Agreement made between the Corporation of the Township of Cornwall, Michael P. Davis, and the Cornwall Paper Manufacturing Company, Limited, which are fully set forth in Schedules A and B respectively, to this Act; and whereas the said by-law was unanimously passed by the Municipal Council of the Township of Cornwall, and the said Agreement was entered into upon certain conditions, which the said Township of Cornwall considers favourable; and whereas no objection has been offered to the said petitions; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 699 of Township of Cornwall, and agreement confirmed.

Rev. Stat. c. 224.

1. By-law No. 699 of the Municipal Corporation of the Township of Cornwall, together with the Agreement therein referred to, set out respectively as Schedules A and B to this Act, are confirmed and declared legal, valid and binding, in the same manner and to the same extent as if set out at length, and the provisions thereof enacted in this Act, anything contained in *The Assessment Act* or any other Act to the contrary notwithstanding.

SCHEDULE A

By-Law No. 699 of the Corporation of the Township of Cornwall in the County of Stormont, of the year 1904.

For fixing the assessment upon the property of The Cornwall Paper Manufacturing Company, Limited, and of Michael P. Davis, situated in the Township of Cornwall, upon which the said The Cornwall Paper Manufacturing Company, Limited, and the said Michael P. Davis, or his assigns, are required to pay Municipal and School taxes for a period of 20 years.

Whereas

Whereas the Corporation of the Township of Cornwall has entered into an Agreement, bearing even date herewith, with The Cornwall Paper Manufacturing Company, Limited, and Michael P. Davis, of the City of Ottawa, in the County of Carleton, Contractor, to fix the assessment on all real estate, buildings, machinery and appliances of The Cornwall Paper Manufacturing Company, Limited, and any other manufacturing industries or establishments which may be erected upon the land described in Schedule A, to said Agreement, for a period of 20 years, as set out in said Agreement, and upon the terms, provisos and conditions in said Agreement contained.

And whereas it is necessary to authorize the Reeve and Clerk of the Corporation of the Township of Cornwall, to execute the said Agreement and attach the Corporate Seal thereto.

Be it therefore enacted by a By-Law of the Corporation of the Township of Cornwall, and it is hereby enacted that the Reeve and Clerk be and they are hereby authorized and empowered to sign and seal with the Corporate Seal of the Township of Cornwall, said Agreement, with the said the Cornwall Paper Manufacturing Company, Limited, and the said Michael P. Davis, bearing date the 11th day of January, A.D. 1904.

And it is further enacted that the said Agreement with the said the Cornwall Paper Manufacturing Company, Limited, and the said Michael P. Davis, shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the said Agreement, together with this by-law.

Passed in open Council, signed and sealed this 11th day of January, A.D. 1904.

JOHN MULLIN,
Tp. Clerk.

NATHAN COPELAND,
Reeve.

SCHEDULE B

Agreement made this Eleventh day of January, A.D. 1904, between The Corporation of the Township of Cornwall, in the County of Stormont, and Province of Ontario, hereinafter called the Corporation of the first part, and Michael P. Davis, of the City of Ottawa, in the County of Carleton, Contractor, and the Cornwall Paper Manufacturing Company, Limited, hereinafter called the parties of the second part

Whereas, Michael P. Davis has acquired all that portion of lot number twenty-six in the first concession of the Township of Cornwall, described in Schedule "A" to this Agreement.

And whereas the said Michael P. Davis is about to convey six acres of said property to the Cornwall Paper Manufacturing Company, Limited, in consideration of their erecting upon the said property a mill with machinery to the value of not less than One hundred thousand dollars (\$100,000.00).

And whereas the said Michael P. Davis is reserving the remainder of said property with the object of having other manufacturing industries located upon same.

And whereas the Cornwall Paper Manufacturing Company, Limited, have become incorporated and are ready to proceed with the erection of their building, and the completion of the same.

And whereas the said Michael P. Davis and The Cornwall Paper Manufacturing Company, Limited, have applied to the Municipal Corporation of the Township of Cornwall for exemption from Municipal and school taxes and Statute labor upon the buildings, machinery and plant of the Cornwall Paper Manufacturing Company, Limited, and any other manufacturing industry which may be erected upon said property for a period of Twenty years.

And

And whereas the Municipal Corporation of the Township of Cornwall have consented to grant complete exemption from Municipal taxes and Statute labor on all buildings, plant and machinery which may be erected by the Cornwall Paper Manufacturing Company, Limited, or which may hereafter be erected upon the property described in Schedule "A" to this Agreement, by the said Michael P. Davis, or his assigns, or through his instrumentality.

Now this agreement witnesseth, that the Municipal Corporation of the Township of Cornwall, hereby agree to exempt the real estate, buildings, machinery and property immediately used or connected with the Cornwall Paper Manufacturing Company, Limited, from all Municipal taxes and statute labor, for a period of Twenty years from this date, and further covenant and agree to exempt the real estate, buildings, machinery and property immediately used or connected with any other manufacturing industry, which may be located on the property described in Schedule "A" to this Agreement, within a period of five years from this date, for twenty years, from the erection and completion of said manufacturing industry or industries; subject, however, to the following conditions:—

That the said Cornwall Paper Manufacturing Company, Limited, shall pay School rates upon an assessment of Five thousand dollars, (\$5,000) for the first ten years, and upon the sum of Ten thousand dollars, (\$10,000) for the next ten years.

That any other manufacturing industry which may be erected upon the property described in Schedule "A" according to the terms of this Agreement, shall pay for each manufacturing industry, School rates on an assessment of Five thousand dollars, (\$5,000) for the first ten years, and Ten thousand dollars, (\$10,000) for the next ten years.

The Cornwall Paper Manufacturing Company, Limited, are to supply to the Corporation of the Township of Cornwall, all cinders which they may have, to be used by the Corporation of the Township of Cornwall upon the roads of the said Township.

That in the event of any other manufacturing industry being located upon the land described in Schedule "A" to this Agreement, they are also to furnish to the Corporation of the Township of Cornwall, all cinders to be used by the Corporation of the Township of Cornwall, upon the roads in said Township.

The Cornwall Paper Manufacturing Company, Limited, parties to this Agreement, hereby covenant and agree to erect and complete within two years from the date hereof, a mill with machinery, costing not less than One hundred thousand dollars, (\$100,000.00).

The said Michael P. Davis, a party of the Second Part, to this Agreement, covenants and agrees to do all in his power, to obtain other industrial establishments to be established upon the land described in Schedule "A" to this Agreement, within the next five years.

It is further agreed between the two parties hereto, that in the event of the said Michael P. Davis or the Cornwall Paper Manufacturing Company, Limited, using any of the said land for the purposes of residences, or for any purposes other than manufacturing, then said property is not to be exempt from taxation, but shall pay the usual rates to the Township.

And it is further agreed between the parties hereto, that this Agreement shall not come into operation or take effect, until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring the validity of same, together with a By-law of the Municipal Corporation, authorizing the Reeve and Clerk of the Township of Cornwall to execute this Agreement.

In witness whereof the Reeve and Clerk of the Corporation of the Township of Cornwall, have hereunto subscribed their hands and affixed their corporate seal, and the said the Cornwall Paper Manufacturing Company.

Company, Limited, have also subscribed their hands and affixed their corporate seal, and the said Michael P. Davis has hereunto subscribed his hand and affixed his seal this 11th day of January, A.D. 1904.

Signed, Sealed and Delivered
in the presence of
R. A. PRINGLE.

Seal of The
Cornwall Paper
Manufacturing Co.,
Limited.

Corporation Township of Cornwall.
NATHAN COPELAND,

Reeve.

JOHN MULLIN,
Tp. Clerk.

THE CORNWALL PAPER
MANUFACTURING CO.,
LIMITED.

M. P. DAVIS,
President.

E. H. BROWN,
Sec'y-Treasurer.

M. P. DAVIS.

SCHEDULE "A."

Referred to in the Annexed Agreement.

All and singular, that certain parcel or tract of land situate, lying and being in the Township of Cornwall, in the County of Stormont, and being part of Lot Twenty-six in the First Concession, Third Range of the said Township of Cornwall, more particularly described as follows:—

Commencing at a post planted on the northern side of Montreal Road, at a distance of eighty and one-half links, easterly from the eastern side of A. Murdoch's property, thence north forty-three degrees forty-nine minutes west, along northern side of Montreal Road, to A. Murdoch's property, eighty and one-half links, thence north forty-three degrees forty-nine minutes west along northern side of Montreal Road, across A. Murdoch's property, to the western side, a distance of eighty-two and one-half links, thence north forty-three degrees forty-nine minutes west, along northern side of Montreal Road, two chains eight and one-half links, thence north sixty-five degrees thirty-four minutes west, along northern side of Montreal Road, two chains and one link, thence north fifty-five degrees and fifty-three minutes west along northern side of Montreal Road, one chain and seventy-seven links, thence north forty-five degrees and thirty-eight minutes west, along the northern side of Montreal Road, one chain and forty-one links, more or less, to a post; thence north twenty degrees, nought three minutes east, sixteen chains and sixty-five links, to the Grand Trunk Railway Company's property, thence south seventy-one degrees and fifteen minutes east, along the Grand Trunk Railway Company's property, eight chains, thirty-three and one-third links, thence to a post, thence south twenty degrees and three minutes west, nineteen chains and sixty-two and one-half links, more or less to the place of beginning, save and except property owned by A. Murdoch

CHAPTER 46.

An Act to confirm By-law No. 447 of the Town of Durham.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Municipal Corporation of the Town of Durham has by petition represented that the Durham Manufacturing Company, Limited, has applied to the said corporation for aid by way of a loan of \$7,000, a free site, and partial exemption from municipal taxes (in accordance with the terms of a certain agreement entered into between the said municipal corporation and the said company) to assist the said company in erecting, equipping and operating a wholesale dairy supply manufacturing establishment in the Town of Durham (in which town the head office of the said company is situate); that the said Municipal Corporation of the Town of Durham in accordance with the terms of the said agreement submitted to the ratepayers of the said Town of Durham a by-law for the said purposes and in the manner provided by *The Municipal Act* and amendments thereto; and that the total number of ratepayers of said municipality so entitled to vote was 371 of whom 347 voted in favour of the said by-law and 5 voted against the said by-law; and that the said By-law numbered 447 was finally passed by the municipal council of the Town of Durham on the 11th day of May, 1903, and was duly registered in the registry office for the South Riding of the County of Grey on the 20th day of May, 1903, as Registered By-law No. 6; and that no certificate stating that any action or proceeding has been brought or any application made to quash or set aside the said by-law or any part thereof has been registered in the said registry office; and the said corporation in accordance with the terms of the said agreement has caused to be transferred to the said The Durham Manufacturing Company, Limited, a free site; and that the said corporation has issued and sold the debentures authorized by said By-law No. 447 and has paid the sum of \$7,000 to the said The Durham Manufacturing Company Limited; and whereas it has been made to appear that the loan granted as aforesaid does not exceed the limit prescribed by subsection (f) of paragraph 12 of section 591 of *The Consolidated Municipal Act*, 1903, and whereas the said corporation

corporation of the Town of Durham has by the said petition prayed that an Act may be passed to ratify and confirm said By-law No. 447 and the agreement set out in Schedule B of said by-law, copies of which said by-law and agreement are set forth in Schedules A and B to this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 447 of the Municipal Corporation of the Town of Durham as set forth in Schedule A to this Act is confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the Town of Durham and the ratepayers thereof notwithstanding any want of jurisdiction in the said municipality and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same or in the registration thereof; and the debentures issued under the said by-law are declared to be legal, valid and binding upon the said Municipal Corporation; and all acts done by the said municipality under or by virtue of the said by-law are declared to be legal, valid and binding upon the said Municipal Corporation of the Town of Durham.

2. The agreement between the Municipal Corporation of the Town of Durham and the Durham Manufacturing Company, Limited, referred to in the said by-law and set out in full in Schedule B to this Act is ratified and confirmed in the same manner and to the same extent as if the same were set out at length, and enacted as part of this Act.

SCHEDULE A.

(Section 1.)

Town of Durham—By-Law No. 447.

To aid the promotion, erection and equipment of a wholesale Dairy Supply Manufacturing establishment in the Town of Durham by "The Durham Manufacturing Company, Limited," to the extent of a loan of \$7,000, partial exemption from municipal taxes and a free site, and to issue debentures for the said loan, and to authorize the raising of an annual sum for the payment of the said debentures and the interest thereon.

Whereas by The Municipal Act of the Province of Ontario, 1897, and the amendments thereto, any town in the said Province may grant aid by way of a loan of money, exemption from municipal taxes, etc., for the encouragement and promotion of manufacturers within its limits, and may

pay such sum or sums of money, either in one sum or otherwise, with or without interest, and subject to such terms, conditions and restrictions as the said town may deem expedient; and may take and receive security for the compliance with the terms and conditions upon which such aid is given.

And whereas the Corporation of the Town of Durham is desirous of aiding in the promotion of the wholesale Dairy Supply Manufacturing establishment by the Durham Manufacturing Company, Limited, to be established in the said Town of Durham, by granting to the said Company a loan to the extent of Seven Thousand Dollars (\$7,000) and issuing debentures therefor, said loan to be repaid by the said The Durham Manufacturing Company, Limited, in the manner following, that is to say,— The sum of One Thousand Dollars at the end of the fourth year from the date of the coming into force of this By-law, and the sum of One Thousand Dollars annually thereafter in six consecutive annual instalments at the end of the Fifth, Sixth, Seventh, Eighth, Ninth and Tenth years from the date of the coming into force of this By-law, without interest; and also by granting to the said Company partial exemption from municipal taxes, (excepting School taxes) on all the lands and buildings of the said Company, by allowing the said lands, buildings, plant and stock in trade to remain at their present assessed value for a period of ten years.

And whereas in order thereto it will be necessary to issue debentures for the sum of Seven Thousand Dollars, (\$7,000), as hereinafter provided, (which is the amount of the debt intended to be created by this By-law) the proceeds of said debentures to be applied to the purposes aforesaid and no other.

And whereas the amount of the whole rateable property of the said Town of Durham according to the last revised assessment roll thereof, being the Assessment Roll for the year 1902, is \$356,101.

And whereas the amount of the existing debenture debt of the said Town of Durham amounts to the sum of \$35,740.34 (including debentures for local assessments and loan debentures), no principal and no interest being in arrears.

Therefore the Municipal Council of the Corporation of the Town of Durham enacts as follows:

1. It shall and may be lawful for the municipal council of the corporation of the Town of Durham to aid the said The Durham Manufacturing Company, Limited, in the erection and completion of a factory for the purposes hereinbefore set forth, within the limits of the said corporation by lending to the said The Durham Manufacturing Company, Limited, the sum of seven thousand dollars (\$7,000) payable without interest in seven consecutive annual instalments of one thousand dollars (\$1,000) each at the end of the fourth, fifth, sixth, seventh, eighth, ninth and tenth years from the date of coming into force of this by-law.

2. For that purpose it shall be lawful for the mayor of the said Town of Durham to borrow the sum of seven thousand dollars and to issue debentures of the said municipality to the said amount in sums of not less than one hundred dollars (\$100) each.

3. That the said debentures shall bear date on the day hereinafter appointed for the coming into force of this by-law, shall be sealed with the corporate seal of the Town of Durham, be signed by the mayor and treasurer thereof and shall bear interest at the rate of four and one-half per centum per annum from the date thereof until respectively due as hereinafter provided, which interest shall be payable yearly on the eleventh day of May, at the Standard Bank, in the Town of Durham, where the said debentures shall also be payable.

4. The said debentures shall be payable on the eleventh day of May in each year in accordance with Schedule A of this by-law, and coupons shall be attached thereto for the payment of interest thereon at the rate of four and one-half per centum per annum from the date thereof, on the eleventh day of May in each and every year during the continuance of said debentures or any of them at the Standard Bank in the Town of Durham.

5. Schedule A.

Debenture.	Year Payable.	Principal	Interest.	Total.
.....	1904	\$	\$315 00	\$315 00
.....	1905	.....	315 00	315 00
.....	1906	.....	315 00	315 00
Debenture No. 1.....	1907	1,000 00	315 00	1,315 00
Debenture No. 2.....	1908	1,000 00	270 00	1,270 00
Debenture No. 3.....	1909	1,000 00	225 00	1,225 00
Debenture No. 4.....	1910	1,000 00	180 00	1,180 00
Debenture No. 5.....	1911	1,000 00	135 00	1,135 00
Debenture No. 6.....	1912	1,000 00	90 00	1,090 00
Debenture No. 7.....	1913	1,000 00	45 00	1,045 00

6. That a special rate on the dollar upon the assessed value of all rateable property in the Town of Durham over and above and in addition to all other rates and taxes which special rate shall be sufficient to produce in each year the sum required as shown by Schedule A of this by-law, shall be annually levied and collected from the year 1907 to the year 1913 both years inclusive.

7. That it shall also be lawful for the Mayor and the Council of the Corporation of the Town of Durham to purchase and convey or cause to be conveyed, and they are hereby required to purchase and convey or cause to be conveyed to the said The Durham Manufacturing Company, Limited, by a good and sufficient deed in fee simple all that certain parcel or tract of land and premises situate in the Town of Durham and being that part of Park Lot No. seven, north of South street west, known as the Russell lot.

8. That it shall be lawful for the Mayor and Council of the Town of Durham, and they are hereby required to allow the assessment on said lot when conveyed to the said The Durham Manufacturing Company, Limited, under the preceding section of this by-law to remain at its present assessed value, except for school purposes for a period of ten years from the date of coming into force of this by-law, and they are hereby further required to grant exemption from municipal taxes, excepting school taxes, in favor of the said The Durham Manufacturing Company, Limited, upon all machinery, plant and stock in trade in or upon said lands and premises for the said period of ten years.

9. It is hereby declared that the said sum of seven thousand dollars is loaned and the said lands granted and the other benefits and exemptions conferred upon the said company upon the terms and conditions of a certain agreement hereafter to be entered into between the said corporation of the Town of Durham, and the said The Durham Manufacturing Company, Limited, and to be added as Schedule B to this by-law.

10. That this by-law shall come into force upon the final passing thereof by the Council of the Town of Durham.

11. That a poll shall be held and the votes of the ratepayers entitled to vote on this by-law shall be taken on Monday, the 27th day of April, 1903, commencing at the hour of nine o'clock in the morning, and closing at the hour of five o'clock in the afternoon of the same day, as follows:—

In the North Ward, at Norman Kelsey's House, by Clifton Elvidge as Deputy Returning Officer.

In the East Ward, at the Town Hall, by Joseph Burnett as Deputy Returning Officer.

In the West Ward, at S. P. Saunders' Shop, by John Smith as Deputy Returning Officer.

12. On Saturday, the 25th day of April, at the hour of ten o'clock in the forenoon, the Mayor will attend at the office of the town clerk in the Town of Durham for the purpose of appointing, in writing, signed by himself, two persons to attend at the final summing up by the Clerk of the votes polled on this by-law, and also of appointing one person to attend at each polling place on behalf of persons desirous of promoting the passing of this by-law and a like number on behalf of persons interested in and desirous of opposing the passing of this by-law.

13. On Tuesday, the 28th day of April, at the hour of ten o'clock in the forenoon, at the Town Hall in the Town of Durham, the Clerk of the Town will proceed to sum up the number of votes given for and against this by-law.

Read the third time and finally passed by the Council of the Town of Durham this 11th day of May, A.D. 1903.

Council Chambers, Durham, Ont.

(Sgd) N. MCINTYRE,

Mayor of Durham.

(Sgd) WM. B. VOLLETT,

Clerk of Durham.

(Corporate Seal.)

SCHEDULE B.

(Section 2.)

This agreement made and entered into this 18th day of May, in the year of our Lord, 1903.

Between the Durham Manufacturing Company, Limited, of the Town of Durham, in the County of Grey, hereinafter called the Company, of first part; and the Corporation of the Town of Durham, hereinafter called the Corporation, of the second part.

Whereas the said Company is desirous of building, erecting, completing, fitting up with necessary machinery and plant, and operating a factory with necessary buildings in the said Town of Durham for the manufacture of cream separators and other dairy utensils and of having the same completed and in running order in the year 1908.

And whereas the said Company has applied to the Municipal Council of the Corporation of the Town of Durham for aid to the said Company by a loan of \$7,000 without interest, to be repaid within ten years from the final passing of by-law number 447, and for a free gift of land as a site for the said factory, and exemption from municipal taxes of the said land and buildings to be erected thereon (except dwelling houses) except as to the amount now assessed and levied on the said lands and except as to school taxes for the term of ten years from the final passing of said by-law 447, on the terms and conditions hereinafter particularly set out and exemption from all municipal taxes except school taxes, on all machinery, plant, and stock in trade of the said company in or upon the said lands or premises during the said term of ten years.

And whereas there is or are no other person or persons engaged in the manufacture of cream separators and other dairy utensils in the said Town of Durham and the said by-law number 447 is not intended to secure the removal of an industry already established elsewhere in the Province of Ontario :

And whereas it is deemed expedient by the Municipal Council of the said Corporation to grant the request of the said Company upon the terms and conditions hereinafter appearing, contained and set forth ;

Now therefore this agreement witnesseth and it is hereby covenanted and agreed by and between the said Company, their successors and assigns and the said Corporation, their successors and assigns, in manner following, that is to say :

1. The said Corporation agrees to acquire for and convey in fee to the said company suitable lands, to wit : All and singular that certain parcel or tract of land and premises situate in the Town of Durham and being that part of Park Lot Number Seven, North of South Street West, Known as the Russell lot, as and for a site for the said factory.

2. The said Corporation agrees to loan the said Company the sum of Seven Thousand Dollars without interest upon the delivery to them of a first mortgage upon the lands, buildings and machinery, and plant to be erected and placed thereon or therein ; they also agree, by by-law or other act sufficient for that purpose and in that behalf, to allow the assessment of the said above mentioned lot of land together with the necessary buildings thereon (except dwelling houses) to remain at its present assessed value, that is to say ; \$175 per year (except school rates) during the said term of ten years. They also agree to exempt from all municipal taxes all the buildings and machinery, stock-in-trade and

and plant in and upon the said premises during the said term of ten years, if the said company shall so long continue to operate the said factory in conformity with the terms of this agreement; but in case of the failure of the said company to comply with the terms of this agreement, herein contained and on their part to be observed and performed then the above exemption and partial exemption is to cease and determine to all intents and purposes whatsoever.

3. The said Company agrees to erect and build during the year 1903 upon the said lands, substantial and necessary buildings of brick, stone or cement or partially of one or more of the said materials for the purpose of the said factory, together with boiler and engine room, and all necessary out-buildings, and to place therein all necessary boilers, engines, lathes and other machinery necessary and proper for the full and sufficient equipment and requirements of the said factory, the whole when completed not to cost less than \$15,000.

4. And upon the completion of the said factory, the said Company agree to employ continuously during the said term of ten years, in and about the said factory and the working thereof not less than thirty hands, fifteen of whom shall be skilled mechanics, and to maintain the said factory with said number of employees in active and effective operation for said term of ten years.

5. And the said Company agrees to secure to the said Corporation by a first mortgage upon the said lands and premises and the buildings thereon, and the machinery and plants in and about the same and used in connection with the said factory, and also on the boiler and engine used with the said factory; repayment of the said sum of seven thousand dollars, without interest, on the following days and times, that is to say: An instalment of one thousand dollars thereof shall be paid at the end of the fourth, fifth, sixth, seventh, eighth, ninth and tenth years, respectively, from the coming into force and effect of by-law No. 447 of the said corporation.

6. The said Company agrees to insure and keep insured against fire or damage by fire, in insurance companies acceptable to the Council of the said Corporation, their buildings, plant and machinery of all kinds to the full insurable value thereof, but the said insurance is to be at any time not less than the amount due, from time to time, to the said corporation under their mortgage, and in default of so doing the said corporation may themselves insure the said buildings, plant and machinery, and charge the money paid for premiums on such insurance to the said company; and the company shall make such insurance payable to the said corporation as their interests may appear, and that the policy be held by the Town Council.

7. In case the said company shall at any time during the term of ten years fail to carry on and operate the said factory as in this agreement is set out and provided for a period of three months continuously, then, and in such case the said lands and premises shall revert to the said Corporation, their successors and assigns as of their former estate therein, and the said exemptions or partial exemptions above agreed to be granted on the said lands, buildings, machinery and plant shall cease and determine absolutely.

In witness whereof the corporate seal of the said company has been hereto set, and the hands of the President and Secretary thereof have been set and subscribed to these presents; and the corporate seal of the said corporation and the hands of the Mayor and Clerk have been hereto set and subscribed.

Signed, sealed and delivered
in the presence of

(Sgd.) DURHAM MANU-
FACTURING
CO., LTD.

(Sgd.) D. JAMIESON,

President.

(Sgd.) J. KELLY,

Secretary.

N. McINTYRE,

Mayor.

WM. B. VOLLETT,

Clerk.

CHAPTER

Seal of Company.

Seal of Corporation.

CHAPTER 47.

An Act respecting the Town of East Toronto.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Municipal Corporation of the Town of East Toronto has by petition prayed that an Act may be passed to confirm and legalize a By-law of the said corporation authorizing the council thereof to raise the sum of \$5,000 for the purchase of a site for the establishment of a furniture factory, and to aid The Globe Furniture Company, Limited, by way of a loan of \$20,000 to establish such furniture factory, and to authorize the issuing of debentures of the said town to the amount of \$25,000, for the said purposes; and whereas before the final passing of the said by-law it was submitted to a vote of the ratepayers of the said town in accordance with the provisions of *The Consolidated Municipal Act, 1903*, when out of a total of 401 voters qualified to vote on the said by-law, 261 voted for the said by-law and 9 against the said by-law, and it was thereafter finally passed by the council of the said town; and whereas the said The Globe Furniture Company, Limited, has heretofore been carrying on business in the Town of Walkerville, in the county of Essex, but has received the consent and approval of the council of the said town to the removal of the said company's business from the said Town of Walkerville to the said Town of East Toronto; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law to aid
Globe Furni-
ture Company
confirmed.

1. By-law No. 40 of the Municipal Corporation of the Town of East Toronto set forth as a schedule to this Act together with Schedules A and B thereto are confirmed and declared legal, valid and binding from the date of passing of the said by-law upon the Municipal Corporation of the Town of East Toronto, and upon the ratepayers thereof, and upon the Globe Furniture Company, Limited, and upon all others mentioned in the said by-law and agreement, and the debentures issued or to be issued under the said by-law are declared legal

legal and binding upon the said municipality and the said corporation is authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law.

SCHEDULE.

BY-LAW NO. 40.

A By-Law to authorize the Council of the Corporation of the Town of East Toronto to raise the sum of \$5,000.00 for the purchase of a site for The Globe Furniture Company, Limited, whereon to erect a furniture factory in said Town, and to aid the said Company by way of a loan of \$20,000.00 for the purpose of erecting said factory, and to issue debentures for the sum of \$25,000.00 for the purposes aforesaid.

Whereas the said Council has deemed it advisable to grant aid to The Globe Furniture Company, Limited, for the purposes to the extent and in the manner aforesaid, and on the terms set forth in the agreement hereto annexed and marked as Schedule "A," and have decided to submit a By-Law for such purposes for the approval of the ratepayers qualified to vote thereunder, and also to apply to the Local Legislature at its present sittings for a special Act to ratify and confirm this By-Law, and the said agreement.

And whereas in order to carry into effect the said object it will be necessary for the said Council to issue debentures of the Corporation of the Town of East Toronto for the sum of \$25,000.00 the said Council has decided to make the principal money of the debt thereby created repayable in twenty yearly instalments with interest at 4½ per cent. per annum as hereinafter provided.

And whereas for the purposes aforesaid it will be necessary to raise annually by said rate for repaying such debt and interest under the terms of this By-Law the sums set forth in Schedule "B" hereto annexed.

And whereas the amount of the rateable property of the said Corporation according to the last Revised Assessment Roll is the sum of \$822,045.00

And whereas the amount of the existing debenture debt of the said Corporation is the sum of \$31,287 66-100 exclusive of Local Improvement Debentures, and no part of the said principal or interest is in arrears.

Therefore the Council of the Corporation of the Town of East Toronto enacts as follows:—

- That it shall be lawful for the Council of the Corporation of the Town of East Toronto to exempt the land, buildings, machinery and plant of the said company from payment of municipal taxes (except for local improvements and all school rates) for so much of the term of ten years from the date of the passing of this By-law as the said land, buildings, machinery and plant shall be bona fide continuously used by the said company, its successors and assigns, for the sole purpose of conducting a furniture factory, and with the right to said company to a renewal of said exemption for a further period of ten years from the expiration of the first period.

- That it shall be lawful for the Council of the Corporation of the Town of East Toronto to supply the said company with water free of charge for the purposes of the said factory as provided in said agreement annexed Schedule "A" hereto, which agreement is hereby adopted, ratified and confirmed, and which is hereby enacted to the same extent as if it had been fully set forth verbatim in this By-law.

3. That the Mayor of the said town be and he is hereby authorized and required for the purposes aforesaid to borrow the sum of \$25,000.00, and to issue debentures of the said Corporation to that amount in sums of not less than \$100.00 each, payable to the amount of \$1,250.00 in each year with coupons attached thereto providing for half yearly payments of interest thereon at the rate of 4½ per cent. per annum, payable half yearly on the fifteenth days of February and August in each and every year during the currency of the said debentures.

4. That the said debentures shall be sealed with the seal of the said Corporation and be signed by the Mayor and Treasurer thereof, and the interest coupons attached thereto shall also be signed by the Mayor and Treasurer of the said Corporation, and the said debentures and interest coupons shall be made payable at the office of the Treasurer of the Town of East Toronto in said town.

5. That it shall be lawful for the Mayor and Treasurer of the said Corporation to sell such debentures to any person or persons, body, or bodies corporate, and to cause the amounts realized therefor to be paid to the Treasurer of the said Corporation for the purposes above recited.

6. That for the purpose of paying the said debt and interest there shall be raised and levied annually by special rate upon all the rateable property of the said Corporation, in addition to all other rates, the sum set forth in column four of Schedule "B" hereto annexed.

7. That the said several sums set out in column five in said Schedule "B" and provided to be repaid by the said Globe Furniture Company, their successors or assigns shall be applied for the purpose of paying the debt and interest hereby created, and that the amount to be raised annually as aforesaid upon the rateable property of the said Corporation may be decreased year by year to the extent of the several sums received on account of the return of the said loan, which money when so repaid shall be used in payment of the said debentures and in no other way.

8. That the vote of the ratepayers of the said Town of East Toronto shall be taken on this By-law on the 23rd day of February, 1904, between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon of the same day at the Firehalls for Wards 1, 2 and 3 in the said Town and that Henry Butler is hereby appointed Deputy Returning Officer for Ward One, Neil McEachern is hereby appointed Deputy Returning Officer for Ward Two and Harry Hare is hereby appointed Deputy Returning Officer for Ward Three.

9. That on the 19th day of February, 1904, the Mayor shall attend at the office of the Clerk of the said Corporation at 10 o'clock in the forenoon to appoint persons to attend at the polling places, and at the final summing up of the votes by the Clerk on behalf of the persons respectively interested in promoting or opposing the passing of this By-law.

10. That the Clerk of the Council of the said Corporation shall attend at his office in the Town of East Toronto at 12 o'clock noon on the 24th day of February, 1904, and sum up the number of votes given for and against this by-law, and if there is a majority therefor he shall issue his certificate in pursuance of the provisions of the Municipal Act.

11. That this by-law shall take effect and come into operation forthwith after the final passing thereof.

By-law passed its first reading on January 11th, 1904.

By-law passed its second reading on January 29th, 1904.

By-law passed its third reading on February 24th, 1904.

(Sgd.)

W. H. CLAY,
Clerk.

(Sgd.)

(Seal)

W. R. WALTERS.

Mayor.

SCHEDULE A.

To By-Law No. 40 of the Town of East Toronto.

This Indenture, made in duplicate the Twenty-sixth day of January, A.D., One thousand nine hundred and four, between The Globe Furniture Company, Limited, a corporation incorporated under the laws of the Province of Ontario (hereinafter called the "Company") of the one part, and the Municipal Corporation of the Town of East Toronto (hereinafter called the "Corporation") of the second part.

Whereas the Company is at the present time carrying on its business at the Town of Walkerville, in the County of Essex, and is desirous of removing said business to the Town of East Toronto and with a view to extending the said business has applied to the Corporation for the aid hereinafter mentioned.

And whereas the Corporation has agreed in the manner hereinafter provided but subject to the terms of the last paragraph hereof:

And whereas the Municipal Corporation of the Town of Walkerville has by resolution passed on the 29th day of December, 1903, assented to the removal of the business of the Company to the said Town of East Toronto;

Now this indenture witnesseth as follows:—

1. Wherever used throughout this indenture the words "Company" and "Corporation" shall extend to and be binding upon the successors and assigns of the said Company and Corporation respectively;

2. The Company agrees that it will unless prevented by strikes or some other cause wholly beyond the control of the Company within one year after this agreement and a by-law relating thereto to be passed by the Corporation are confirmed by the Legislature of the Province of Ontario, erect and properly equip the buildings necessary for the carrying on of the business of the Company upon the property hereinafter described, with line shafting, boilers, engine and sprinkler apparatus to cost not less than sum of Thirty Thousand Dollars.

3. The Company also agrees with the Corporation that it will during the term of twenty years from the advance to it of the sum of Twenty Thousand Dollars as hereinafter provided or for such lesser time as any moneys remain due to the Corporation in respect thereof, and in any event, for a term of at least five years from the date of the said advance carry on the said business and employ therein during each year that this covenant continues binding an average of not less than seventy-five employees, other than officers of the Company, unless prevented by fire, accident, strikes, or other unavoidable cause, and in the event of the premises being destroyed by fire the same shall be rebuilt and operations therein resumed within twelve months thereafter. The carrying on of the said business for eleven months in any one year during the time this covenant remains binding with the said force of employees shall constitute a fulfilment of the obligation of the Company.

4. The Corporation on its part agrees with the Company as follows:—

(a) Within one month after the confirmation of this agreement as aforesaid to procure to be vested in the Company free from encumbrance the factory site in the Town of East Toronto described as follows:—All and singular that certain parcel or tract of land and premises situate, lying and being in the Town of East Toronto in the Township of York in the County of York, being composed of part of lot number 16 of registered plan number 580 and is more particularly described as follows:—Commencing at the north westerly angle of said lot, thence north 74 degrees east along the northerly limit of said lot six hundred and eighty-nine feet four inches to a point at a distance of one hundred feet measured westerly from the north east angle of said lot, thence south fifteen degrees,

fifteen minutes and forty seconds east parallel to the easterly limit of said lot, three hundred and four feet five inches to the northerly limit of the Grand Trunk property, thence westerly along the northerly limit of the said railway property seven hundred and two feet two inches to the south west angle of said lot, thence north fifteen degrees, fifteen minutes and forty seconds west four hundred and fifteen and eight tenths feet along the westerly limit of said lot to the place of beginning; including also, the right if any of the present owner of the above described lands to the siding now thereon connecting with the Grand Trunk Railway Company's tracks. The company shall take the said property subject to the existing tenancy of part of the east two acres in favor of Robert Rogerson on the understanding that the said lease has not more than two and one half years to run, and that there is no provision for a renewal; the company to be entitled to collect the rent during the balance of the said term.

(b) To advance to the Company by way of loan the sum of Twenty Thousand dollars repayable in twenty annual instalments of \$1,000 each; the first of such instalments to be paid on the first anniversary of the day upon which the said sum is advanced to the Company. The said principal sum or so much of it as from time to time remains due and unpaid to bear interest at the rate of four per cent. per annum, payable half-yearly in each year until the whole of the principal sum is fully paid and satisfied. the first of such instalments of interest to be made six months after the advance of the principal sum with the privilege to the Company of paying off the balance of the said loan upon any interest day without notice or bonus, but in this event the company shall pay to the corporation such a sum which with interest at three per cent. compounded half yearly will suffice to pay at the expiration of twenty years from the making of the said advance, interest at one per cent. on the balance of principal moneys due when said option is exercised from that date until the expiry of the said period of twenty years.

(c) The said sum of twenty thousand dollars shall be payable to the Company by the Corporation upon tender by the Company to the Corporation of a certificate of the Company's architect showing the due completion of the works and the commencement of operations therein and upon tendering sufficient proof of the expenditure in connection therewith of at least the sum of thirty thousand dollars for the erection of buildings, boilers, engines and sprinkling apparatus.

(d) To exempt the property above specifically described and the plant, assets and personal property of the Company thereon from the payment of all municipal taxes (excepting all school rates) for a term of ten years from the passage of the legislation above referred to with the renewal for a further period of ten years from the expiration of the first period. Provided, however, that in the event of local improvement rates being levied against the said property to which local improvement the company shall have consented in writing, the same shall be payable by the company irrespective of the above exemption.

(e) To furnish to the Company during the like period with the like right of renewal free of charge in pipes of sufficient capacity not greater than six inches in diameter such quantities of water delivered at the street line bounding the said property as the company shall require in connection with the carrying on of its business and undertaking for the purposes of boilers, lavatories, fire protection and water supply for the house now upon the said property.

(f) The said exemption from taxes and water rates shall cease in the event of the Company failing to carry on its business upon the said premises through its own fault for a period of more than six months, and if any part of the said lands are sold or cease to form part of the factory premises and used in connection therewith the exemption from the payment of taxes and water rates shall also cease. If any part of the said lands are sold or leased the part so sold or leased shall be liable to taxation in the ordinary way after sale or while so leased.

6. Concurrently with the delivery of the conveyance of the said factory site the Company shall deliver to the Corporation a mortgage in the usual statutory form securing the repayment of the said advance and interest as aforesaid, which shall be registered next after the said conveyance, and the said mortgage shall, among other things, provide that the Company will insure and keep insured the buildings on the said property to their full insurable value, or a sum at least equal to the amount from time to time remaining due to the Corporation under the said mortgage; and shall also provide that the principal moneys shall all become due and payable in the event of the Company failing after six months' notice in writing to keep and observe all the covenants and conditions of this agreement. The said mortgage shall further provide that the Company shall at any time upon payment to the Corporation of two thousand dollars to be applied upon account of the said mortgage debt be entitled to a discharge therefrom of any portion of the said premises not exceeding two acres in extent which shall not be necessary for use in connection with the Company's business. All plant, machinery and fittings of the Company save only engine, boilers, sprinkler system and line shafting shall continue to be chattel property and shall not become subject to the lien of the said mortgage which shall be declared therein.

7. The Company shall, if demanded, furnish to the Corporation at the end of each year during which the covenant to employ remains binding, a statement verified by statutory declaration of the number of persons employed by it and the time employed during the preceding twelve months and shall, if required, further verify the same by production of its books to the Corporation's auditor.

8. And the Corporation covenants with the Company that it will introduce a by-law confirming this agreement which after receiving its second reading shall as speedily as can be done, be submitted to the qualified ratepayers of the Town of East Toronto for approval and, in the event of such approval being given by a majority thereof, the Corporation agrees that it will, forthwith, at the present session, apply to the Legislature of the Province of Ontario for a Special Act confirming and validating the said by-law and this agreement, and declaring the same to be binding upon the Corporation.

9. The Company further covenants with the Corporation that it will remove its head office from the Town of Walkerville to the Town of East Toronto upon the completion of the said buildings, and that it will not compete with any planing mill now in operation in the Town for custom work, that is dressing or finishing lumber belonging to another and brought to the Company for the purpose.

10. And it is further agreed that this agreement is subject to and dependent upon the approval of a majority of the ratepayers of the Town of East Toronto being obtained as aforesaid, and subject to and dependent upon the obtaining of the legislation, as above provided, at the present session of the Legislature, and that failing the same it shall be void and of no effect and neither the Company nor the Corporation shall have any right to compensation by reason thereof.

In witness whereof these presents have been duly executed by the parties hereto.

(Sgd.)	F. H. WALKER,	(Seal.)
Signed, sealed and delivered	W. R. WALTER,	
in the presence of	Mayor.	(Seal)
W. H. Grant.	W. H. CLAY,	
	Clerk.	

SCHEDULE B.

By-law No. 40 of the Town of East Toronto

(Column 1.) Year.	(Column 2.) Principal.	Column 3.) Interest.	(Column 4.) Total.	(Column 5.) Prin. & Int payable yrly by Co.
1905.....	\$1,250 00	\$1,125 00	\$2,375 00	\$1,800 00
1906.....	1,250 00	1,068 75	2,318 75	1,760 00
1907.....	1,250 00	1,012 50	2,262 50	1,720 00
1908.....	1,250 00	956 25	2,206 25	1,680 00
1909.....	1,250 00	900 00	2,150 00	1,640 00
1910.....	1,250 00	843 75	2,093 75	1,600 00
1911.....	1,250 00	787 50	2,037 50	1,560 00
1912.....	1,250 00	731 25	1,981 25	1,520 00
1913.....	1,250 00	675 00	1,925 00	1,480 00
1914.....	1,250 00	618 75	1,868 75	1,440 00
1915.....	1,250 00	562 50	1,812 50	1,400 00
1916.....	1,250 00	506 25	1,756 25	1,360 00
1917.....	1,250 00	450 00	1,700 00	1,320 00
1918.....	1,250 00	393 75	1,643 75	1,280 00
1919.....	1,250 00	337 50	1,587 50	1,240 00
1920.....	1,250 00	281 25	1,531 25	1,200 00
1921.....	1,250 00	225 00	1,475 00	1,160 00
1922.....	1,250 00	168 75	1,418 75	1,120 00
1923.....	1,250 00	112 50	1,362 50	1,080 00
1924.....	1,250 00	56 25	1,306 25	1,040 00

CHAPTER 48.

An Act to confirm the sale by the Corporation of the City of Guelph to His Majesty the King, of certain lands in the City of Guelph as a site for an Armoury.

Assented to 26th April, 1904.

WHEREAS the council of the Corporation of the City of Guelph has agreed to sell to the Government of Canada the lands and premises hereinafter mentioned for the price or sum of \$5,000 to be used as a site for an armoury; and whereas the said lands are known as part of the fair or market grounds in the said city; and whereas it is necessary for the said corporation to obtain legislation to authorize and confirm the said sale and to vest the title thereto in His Majesty the King; and whereas the said corporation has by its petition prayed for the passing of such an Act and it is deemed expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The sale by the Corporation of the City of Guelph to His Majesty the King, for the Government of Canada, of the following lands and premises, namely: all and singular that certain parcel or tract of land and premises situate lying and being in the City of Guelph, in the County of Wellington, and being known as part of the fair or market grounds in the said city, and which said parcel of land may be better described as: all those lands and premises lying to the south-east of the Grand Trunk Railway, and bounded by the said railway and by Huskisson, Farquhar and Freshfield streets, in the said City of Guelph, except the part at the west corner of the said grounds occupied by a switch of the Guelph Radial Railway, for the price or sum of \$5,000, as a site for an armoury, is hereby ratified and confirmed.

2. Upon the payment of the said consideration by the Government of Canada the mayor and clerk of the said city corporation are hereby authorized and empowered to cause to be executed under the corporate seal of the said city and under their hands a grant and conveyance of the said lands to His Majesty the King and His successors, and such grant and conveyance shall vest the said lands in His Majesty the King and His successors in fee simple.

CHAPTER

CHAPTER 49.

An Act to confirm By-law No. 291 of the
City of Hamilton.

Assented to 26th April, 1904.

Preamble.

WHEREAS The Canadian Westinghouse Company, Limited, and the Municipal Corporation of the City of Hamilton, have by their joint petition represented that by the terms of a certain by-law passed by the said Corporation of the City of Hamilton on the 27th day of July, 1903, the municipal taxation by the said Corporation of the City of Hamilton of the real and personal property of the Canadian Westinghouse Company, Limited, belonging to, or used as a part of the manufacturing establishments of the said company now existing or hereafter established in or upon the lands therein mentioned or referred to for the purposes therein mentioned should be commuted and fixed at the sums therein mentioned, a copy of the said by-law being set forth in Schedule A to this Act; and whereas it is in the interest of the Corporation of the City of Hamilton as well as of the said company that the said by-law should be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
291 of the
City of
Hamilton
confirmed.

1. By-law No. 291 of the Municipal Corporation of the City of Hamilton set forth as Schedule A to this Act, is legalized and confirmed and declared to be legal, valid and binding, notwithstanding anything in any Act contained to the contrary; and the sums mentioned in the said by-law during the periods therein set forth as payable by the said Company shall be in full of all taxes for general, municipal and school purposes.

SCHEDULE A.

By-Law No. 291.

Respecting the Canadian Westinghouse Company, Limited.

Whereas the Canadian Westinghouse Company, Limited, have acquired the manufacturing establishment and premises of the Westinghouse Company, situate on the south side of the main line of the Grand Trunk Railway between Wentworth Street and the Hamilton Radial Railway line in the City of Hamilton, and have also acquired several parcels of land either adjacent or in close proximity thereto, and intend to continue and extend the business heretofore carried on by the Westinghouse Company, and also to establish and carry on in the City of Hamilton the manufacture of electrical machinery and apparatus and other branches of manufacturing business, and have applied to the Corporation to fix the amount of taxation to be charged against the Company for the periods hereinafter mentioned.

Therefore the Council of the Corporation of the City of Hamilton enacts as follows:—

1. All municipal taxation by the said Corporation upon or in respect of lands hereinbefore mentioned, and all the real and personal property of the Canadian Westinghouse Company, Limited, belonging to or used as part of the manufacturing establishments of the Company now existing or hereafter established in or upon said lands, shall, for the periods hereinafter mentioned, be commuted and fixed at the sum of \$1,500 per annum, for the years 1905 to 1909 inclusive, the sum of \$3,000 per annum for the years 1910 to 1914 inclusive, and the sum of \$4,500 per annum for the years 1915 to 1919 inclusive, which sums shall be first applied towards payment of school rates chargeable upon such properties, but no further sum shall be payable in respect of such rates or of general municipal taxes during the said periods than the sums hereinbefore mentioned.

2. The City Corporation shall join with the said Company in petitioning the Legislature of the Province of Ontario for the passage of an Act to confirm this By-law upon the execution by the Company of an agreement under their Corporate Seal to pay to the said Corporation the annual sums hereinbefore mentioned on or before the 15th day of September in each year from 1905 to 1919 inclusive, in full of all municipal taxes for those years.

3. Nothing herein contained shall affect the water rates or local improvement rates which may at any time become payable in respect of any of said properties.

Passed this 27th day of July, 1903.

T. BEASLEY,
City Clerk.

W. J. MORDEN,
Mayor.

CHAPTER 50

An Act to authorize the Town of Ingersoll to issue certain Debentures.*Assented to 26th April, 1904.***Preamble.**

WHEREAS the Corporation of the Town of Ingersoll, has by petition represented that the said corporation has at various times under by-laws of the Municipal Council issued debentures which in the aggregate amount to \$130,644, the balance remaining unpaid thereon being \$90,173.48 after applying thereon the sum of \$40,570.52, which has been raised as a sinking fund to redeem the said debentures as they mature, and which sum is kept intact for such purpose, and is now on deposit in the hands of the Traders Bank of Canada; and whereas since the Act passed in the 56th year of the reign of Her late Majesty Queen Victoria, and chaptered 66, was passed, authorizing the consolidation of the then indebtedness of the said corporation there has been expended a large sum for permanent public improvements in the said town, in the laying down of stone pavements, in the erection and alteration of public buildings, and in the erection and repair of bridges; and among other moneys there has been expended for such purposes the sum of \$6,400 which had been raised as interest to redeem certain coupons upon outstanding debentures, which had not been presented for five years, and which had been omitted to be set aside for the redemption of such coupons; and whereas the Board of Education for the said Town of Ingersoll, have demanded from the said corporation large sums of money for the construction of permanent improvements, and repairs in the Public Schools and Collegiate Institute, and for the establishing of Manual Training and Domestic Science in the said schools; and whereas under and by virtue of By-law No. 534 of the said corporation passed on the second day of October, A.D. 1899, certain debentures were issued for \$20,000 to aid the Tilsonburg, Lake Erie and Pacific Railway Company, bearing interest at $3\frac{1}{2}$ per cent. per annum, the sale of which realized only \$18,752, thus causing a deficit of \$1,248 which has been paid out of the general funds of the town; and whereas such expenditure as has already been made, and such as has been proposed as aforesaid, and which is absolutely necessary, and for which no provision has been made

made amounts to \$22,000, will make a total indebtedness of the said corporation of \$142,644, less the amount of the said sinking fund which amounts to \$40,570.52 as aforesaid; and whereas the said corporation has prayed for the passing of an Act enabling them to issue debentures for the said sum of \$12,000 to pay for such improvements; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with, the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The floating and current indebtedness of the Town of Ingersoll, other than and over and above the existing net ^{Floating debt consolidated at \$12,000.}

debenture debt of \$130,644, is hereby consolidated at the sum of \$12,000; and it shall and may be lawful for the said Corporation of the said Town of Ingersoll to raise by way of loan upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate who may be willing to loan the same, a sum of money not exceeding the sum of \$12,000 of lawful money of Canada.

2. It shall be lawful for the said Corporation of the Town of Ingersoll to pass a by-law or by-laws, authorizing the said ^{By-laws for issue of debentures for \$12,000 authorized.}

loan of \$12,000 and the issuing of debentures therefor in accordance with this Act, and to impose in and by the said by-law or by-laws a special rate per annum on the whole rateable property of the municipality to be called "Consolidated Loan Rate No. 3," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums annually falling due for interest and to provide a fund for the payment of the principal of the said debentures hereby authorized to be issued as they fall due.

3. It shall and may be lawful for the Municipal Council of ^{Issue of debentures.}

the said Corporation of the Town of Ingersoll after the passing of such by-law or by-laws authorizing the same in accordance with this Act to cause to be issued debentures of the said corporation under the corporate seal, signed by the mayor and countersigned by the treasurer of the said corporation for the time being, for such sums, not exceeding in the whole the sum of \$12,000, as the council shall direct and appoint.

4. The debentures to be issued as aforesaid shall be payable ^{Term of debentures, — interest.}

in not more than twenty years from the date thereof as the Corporation may direct, and the interest thereon at such rate, not exceeding four and one-half per cent., shall be payable yearly or half yearly, according to the coupons attached thereto, and as by said by-laws may be provided.

Informalities
not to
invalidate
debentures.

5. No irregularity in form either of said debentures or of any of said by-laws authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the debentures and interest or any or either of them or any part thereof ; and no by-law passed under the authority of this Act shall be repealed until the debt created under it and the interest shall be fully paid and satisfied.

Debentures.—
how payable.

6. The principal sum to be secured by the said debentures to be issued under the authority of this Act shall be payable either in sterling or currency and, with the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere as the council of the said corporation may direct or deem expedient ; and the by-law shall provide for raising annually for the payment of the said debentures at their maturity a certain specific sum to be levied for principal and interest so that the said sum so levied for principal and interest for payment of such debentures shall be as nearly equal in each year as may be.

Investment of
sinking fund.

7. It shall be the duty of the treasurer of the said corporation by and with the consent and approbation of the council from time to time to invest all moneys , raised by the special rate or sinking fund or by the by-law or by-laws, either in the debentures to be issued under this Act or in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, and not to a greater extent than two-thirds of the assessed value of such real estate, or in such manner as the Lieutenant-Governor in Council may by general or special order direct, or the said treasurer may deposit the same in any chartered bank of the Dominion of Canada that the council may from time to time approve ; and all dividends and interest received from such investments shall be applied to the extinction of the loan authorized to be issued under this Act.

Treasurer to
keep proper
books of
accounts.

8. It shall be the duty of the treasurer, for the time being, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and be payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time, be

be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as directed by section 7 of this Act ; and the said book of account and statement shall set forth and show the amounts, and the place or places of such investment, and the terms and conditions upon which such deposit or investment shall, from time to time, be made ; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the power hereby conferred or of any of such debentures.

9. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903.*

10. The treasurer of the said town shall on receiving instructions to do so, from time to time, but only with the consent of the holders thereof call in any of the now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures or any hereinbefore authorized to be issued by this Act upon such terms as may be agreed upon between the said council and the said holders of such outstanding debts and liabilities.

11. Section 434 of *The Consolidated Municipal Act, 1903,* shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

12. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Ingersoll from any indebtedness or liability which may not be included in the indebtedness above stated.

13. This Act may be cited as *The Ingersoll Debenture Act* Short title. of 1904.

CHAPTER 51.

An Act respecting the City of London.

*Assented to 26th April, 1904.***Preamble.**

WHEREAS the Corporation of the City of London has by petition, represented that the council of the said corporation, on the 21st day of December, 1903, passed certain by-laws, Nos. 2,332, 2,333 and 2,334, to levy the costs of the construction of certain local improvements and for the issue of debentures therefor; and that the said council did on the said 21st day of December, 1903, pass a by-law No. 2,335, to consolidate the several issues of debentures mentioned in the said first mentioned by-law; and whereas the said corporation has further represented that the said by-laws should be confirmed in order that the debentures issued thereunder may be more readily and profitably disposed of and has prayed that an Act may be passed to confirm the said by-laws; and whereas no objection has been offered to the said by-laws or to the confirmation thereof as aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws No. 2,332, 2,333, 2,334 and 2,335, of the City of London, confirmed.

1. The By-laws of the Corporation of the City of London, specified in Schedule A hereto, and all debentures issued, or to be issued thereunder, and all assessments made, or to be made, for payment thereof, are confirmed and declared to be legal, valid and binding.

SCHEDULE A.

List of by-laws providing for the issue of debentures passed by the Council of the Corporation of the City of London on the 21st day of December, A.D. 1903, the particulars of which are set out below.

No. of By-Law.	Nature of Work Under By-Law.	Amount of debt created.	Amount to be borne by City.	Amount to be borne by Rate-payers.	Period of Payment.	Rate of interest.
2332	Bituminous Macadam Pavement on King Street, between Maitland and William Streets..... Bituminous Macadam Pavement on York Street, between Richmond and Talbot Streets..... Bituminous Macadam Pavement on York Street, between Richmond and Wellington Streets..... Trinidad Asphalt Pavement on King Street, between William and Adelaide Streets.....	\$ c. 6,743 35 5,903 84 13,185 32 3,930 56 29,763 07	\$ c. 643 86 1,237 46 2,090 43 68 82 4,040 57	\$ c. 6,099 49 4,666 38 11,094 89 3,861 74 25,722 50	Years. 10 10 11 10	% 4
2333	Tile Sewers as follows : In Ontario Street, between Dundas Street and Queen's Avenue..... In King Street, between Rectory Street and a point 100 feet west of Glebe Street..... In Cartwright Street, between Duffin Avenue and Princess Avenue..... In Charlotte Street, between Dundas Street and a point opposite the south side of Lorne Avenue..... In St. George Street, between Central Avenue and John Street..... In Grosvenor Street, between William Street and Colborne Street	9,687 19 457 95 846 20 412 53 1,786 29 1,290 31 2,964 04 2,540 36 389 51 9,687 19	2,424 97 143 79 19 03 91 81 103 25 180 93 551 98 1,192 34 141 84 2,424 97	7,262 22 314 16 827 17 320 72 1,683 04 109 38 2,412 06 1,348 02 247 67 7,262 22	10 10 11 10	4
2334	Cement Sidewalks, Kerbs and Gutters	38,602 74	22,501 60	16,101 14	10	4
	Cement sidewalks as follows :					
	On South side of Mary Street, between Talbot Street and Richmond Street	239 46	120 54	118 92		
	On North side of Mary Street, between Egerton Street and Eva Street	285 32	151 28	134 04		
	On North side of Cove Road, between Wharncliffe Road and Orchard Street	174 47	109 94	64 53		

SCHEDULE A.—*Continued.*

List of By-laws providing for the issue of debentures passed by the Council of the Corporation of the City of London on the 21st day of December, A.D. 1903, the particulars of which are set out below.

Nature of Work Under By-Law.	Amount of debt created. \$. . .	Amount to be borne by city. \$. . .	Amount to be borne by Rate-payers. \$. . .	Period of Payment. Rate of interest.
On North side of Watson Street, between Wellington Road and the easterly limit of Watson Street	118 90	66 17	52 73	
On North side of King Street, between Wellington Street and Clarence Street	335 24	181 94	153 30	
On West side of Christie Street, between Regent Street and Victoria Street	285 92	162 41	123 51	
On South side of Dufferin Avenue, between Wellington Street and Picton Street	290 25	181 89	108 36	
On South side of Central Avenue, between Palace Street and William Street	174 68	110 75	63 93	
On South side of Piccadilly Street, between Wellington Street and Waterloo Street	414 67	228 79	185 88	
On East side of Wellington Street, between Queen's Avenue and Dufferin Avenue	351 15	247 76	103 39	
On West side of Colborne Street, between St. James Street and Grosvenor Street	369 21	221 98	147 23	
On West side of William Street, between Pall Mall Street and Piccadilly Street	352 21	208 62	143 59	
On West side of Adelaide Street, between Pall Mall Street and Central Avenue	354 16	198 57	155 59	
On West side of Ridout Street, between Dundas Street and King street	138 21	138 21	.....
On North side of Queen's Avenue, between Adelaide Street and Elizabeth Street	395 84	219 90	175 94	
On East side of William Street, between Dufferin Avenue and Princess Avenue	268 36	168 24	100 12	
On East side of Horn Street, between Stanley Street and Becher Street	115 10	66 84	48 26	
On West side of Birch Street, between Byron Avenue and Euclid Avenue	74 21	52 89	21 32	
On East side of Cathcart Street, between Bruce Street and Elmwood Avenue	265 59	164 29	101 30	
On South side of South Street, between Clarence Street and Wellington Street	252 35	138 72	113 63	
On South side of Bathurst Street, between Ridout Street and Tallot Street	293 74	172 02	120 92	
On South side of King Street, between Talbot Street and Ridout Street	412 90	243 04	169 86	
On South side of King Street, between Ridout Street and Thames Street	288 57	183 54	105 03	
On North side of John Street, between Richmond Street and St. George Street	281 48	156 47	125 01	
On North side of Oxford Street, between Richmond Street and Wellington Street	336 44	191 36	145 08	
On South side of St. James Street, between Richmond Street and St. George Street	271 68	168 11	103 57	
On South side of Sydenham Street, between Richmond Street and Wellington Street	284 04	181 30	102 74	
On South side of Blackfriars Street, between Blackfriars Bridge and Wilson Avenue	250 39	128 00	122 39	
On South side of Kent Street, between Park Avenue and Richmond Street	165 75	139 37	26 35	

On

On North side of Hyman Street, between Richmond Street and Wellington Street	143 26
On North side of Hill Street, between Adelaide Street and William Street	126 50
On North side of Hill Street, between Colborne Street and Waterloo Street	126 60
On East side of Colborne Street, between Dufferin Avenue and Princess Avenue	362 44
On East side of Colborne Street, between Dufferin Avenue and Pall Mall Street	267 00
On East side of Colborne Street, between Central Avenue and Pall Mall Street	336 64
On East side of Maitland Street, between Piccadilly Street and Oxford Street	199 06
On North side of St. James Street, between Waterloo Street and Colborne Street	203 91
On South side of Regina Street, between Colborne Street and Maitland Street	436 51
On East side of Adelaide Street, between Queen's Avenue and Dufferin Avenue	312 74
On South side of Princess Avenue, between Wellington Street and Waterloo Street	169 02
On North side of Elmwood Avenue, between Ridout Street and Marley Place	437 16
On West Side of Maitland Street, between Regina Street and Piccadilly Street	249 73
On North side of Grey Street, between Wellington Street and Clarence Street	188 47
On West side of College Street, between St. James Street and Oxford Street	280 45
On West side of Ridout Street, between King Street and York Street	361 52
On South side of King Street, between Clarence Street and Wellington Street	241 79
On North side of Beaconsfield Avenue, between Wortley Road and a point distant 10 feet west of the westerly limit of lot number 42 on the North side of Beaconsfield Avenue	367 12
On South side of Philip Street, between William Street and the lands of the London and Port Stanley Railway Company	450 24
On South side of Nelson Street, between William Street and Maitland Street	213 72
On North side of Piccadilly Street, between Waterloo Street and Maitland Street	307 86
On South side of Dufferin Avenue, between Waterloo Street and William Street	728 94
On South side of Bruce Street, between Wortley Road and Cathcart Street	401 19
On South side of Bathurst Street, between Wellington Street and Clarence Street	220 26
On South Side of Dundas Street, between Ridout Street and Thames Street	285 12
On East side of Dundas Street, between Bathurst Street and Victoria Bridge	198 05
On North side of Dundas Street, between Ridout and Dundas Street Bridge	356 34
On South side of Queen's Avenue, between Park Avenue and Richmond Street	278 39
On South side of Grosvenor Street, between Richmond Street and Wellington Street	350 77
On East side of William Street, between Hamilton Road and Grey Street	248 91
On West side of William Street, between Bathurst Street and the Grand Trunk Railway	261 24
On West side of Burwell Street, between Horton Street and Simcoe Street	92 50
On East side of Waterloo Street, between Simcoe Street and Hill Street	203 97
On South side of Hamilton Road, between Burwell Street and Maitland Street	392 38
On South side of Dundas Street, between Glebe Street and Rectory Street	214 60
On West side of Colborne Street, between Grosvenor Street and Cheapside Street	359 35
On West side of Glebe Street, between Dundas Street and York Street	369 54
	404 11

SCHEDULE A.—Concluded.

List of By-laws providing for the issue of debentures passed by the Council of the Corporation of the City of London on the 21st day of December, A.D. 1903, the particulars of which are set out below.

No. of By-Law.	Name of Work Under By-Law.	Amount of debt created.	Amount to be borne by City.	Amount to be borne by Rate- payers.	Period of Payment Interest.	Year.	%
	On East Side of St. George Street, between Mill Street and Carling Creek	126 87	87 51	39 36			
	On South side of Nelson Street, between Colborne Street and Maitland Street and a point 200 feet East of Richmond Street	372 19	201 84	170 35			
	On West side of Colborne Street, between St. James Street and Oxford Street	314 59	172 87	141 72			
	On West side of Waterloo Street, between Grosvenor Street and St. James Street	354 18	198 54	155 64			
	On South side of Stanley Street, between Wortley Road and Wharncliffe Highway	419 78	258 80	160 98			
	On North side of King Street, between Lyle Street and Rectory Street	885 94	443 10	442 84			
	On South side of Princess Avenue, between Cartwright Street and Prospect Avenue	646 06	335 49	310 57			
	On West side of Maitland Street, between Princess Avenue and Central Avenue	313 12	183 51	129 61			
	On West side of Elizabeth Street, between Queen's Avenue and Elias Street	390 55	235 32	155 23			
	On West side of Wharncliffe Road, between Railway Street and Byron Avenue	694 42	411 23	283 19			
	On South side of Briscoe Street, between Wortley Road and Edward Street	506 90	276 55	230 35			
	On East side of Wilson Avenue, between Cherry Avenue and Blackinians Street	915 57	507 23	408 34			
	On East side of Richmond Street, between a point 97 feet north of Queen's Avenue and 215 feet Northerly therefrom	456 81	246 28	210 53			
	On South side of Ann Street, between Richmond Street and Talbot Street	192 83	99 50	93 33			
	On North side of Ann Street, between Talbot Street and 130 feet westerly	490 74	283 80	206 94			
	On East side of Talbot Street, between Piccadilly Street and Oxford Street	69 89	46 91	22 98			
	On West side of Piccadilly Street and Oxford Street	175 00	90 76	84 24			
	On West side of William Street, between Simcoe Street and Grey Street	177 54	93 28	84 26			
	On West side of Maitland Street, between Bathurst Street and Horton Street	205 37	118 13	87 24			
	On East side of Maitland Street, between Simcoe Street and South Street	172 38	107 23	65 15			
	On West side of Maitland Street, between York Street and the north limit of the property of the Grand Trunk Railway Company of Canada	628 16	349 35	278 81			
		114 79	83 92	30 87			

On East side of Wellington Street, between South Street and the Wellington Street Bridge	167	82	90	70	77	12
On West side of Waterloo Street, between Piccadilly Street and St. James Street.....	469	24	265	04	204	20
On East side of William Street, between Central Avenue and Pall Mall Street.....	352	21	206	73	145	48
On South side of Central Avenue, between Waterloo Street and Waterloo Street	439	76	341	58	98	18
On North side of Central Avenue, between William Street and Adelaide Street.....	352	30	192	62	159	68
On South side of Pall Mall Street, between William Street and Adelaide Street.....	355	59	212	70	142	89
On North side of Oxford Street, between Maitland Street and Colborne Street	352	17	206	37	145	80
On East side of Wellington Street, between Grosvenor Street and a point 247 feet south of Grosvenor Street	174	71	95	53	79	18
On South side of Dundas Street, between Adelaide Street and a point 429 feet six inches East of Adelaide Street.....	402	97	212	57	190	40
On North side of Horton Street, between Adelaide Street and the Hamilton Road	504	91	280	96	223	95
On South side of Elias Street, between English Street and Ontario Street	651	11	342	91	308	20
On North side of Lorne Avenue, between Ontario Street and Quebec Street	371	86	203	38	168	48
On West side of Richmond Street, between Central Avenue and Albert Street	450	51	256	16	194	35
On North side of Byron Avenue, between Wortley Road and Wharncliffe Road	829	07	457	02	372	05
On East side Colborne Street, between Queen's Avenue and Dufferin Avenue	272	87	166	37	106	50
On East side of Wharncliffe Road, between the Ridgeway and Victor Street	391	22	264	55	126	67
On North side of Front Street, between Wellington Road and the easterly limit of lot number 16 on the north side of Front Street	449	95	227	23	222	72
On the East side of William Street, between Hamilton Road and York Street	515	18	322	29	192	89
On the East side of Ontario Street, between Dufferin Avenue and Elias Street	485	57	303	78	181	79
On West side of William Street, between Horton Street and Hamilton Road	124	62	81	47	43	15
On West side of William Street, between Grey Street and Philip Street	736	86	408	70	328	16
On South side of Simcoe Street, between Wellington Street and Colborne Street	709	37	403	11	306	26
On North side of York Street, between Richmond Street and Clarence Street	270	30	139	51	130	79
On West side of Thames Street, between King Street and York Street, and on the North side of York Street, between Thames Street and York Street Bridge.....	326	91	181	30	145	61 ^e
Cement Kerb and Gutter on the North and South sides of Albert Street, between Richmond Street and Talbot Street.....	919	33	484	98	434	35
	38,602	74	22,501	60	16,101	14
	78,053	00	28,967	14	49,085	86
					10	4

2335 Consolidating the several issues of debentures referred in said By-laws Nos. 2332, 2333 and 2334, and providing for raising by debentures the City's share of the cost of the above improvements, which is to be raised by special rate.....

CHAPTER 52.

An Act respecting the Township of Mountain,
in the County of Dundas.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Municipal Corporation of the Township of Mountain, in the County of Dundas, has by petition set forth that a By-law of the said Corporation No. 235, enacted in pursuance of *The Municipal Drainage Act* and amendments thereto, and finally passed on the 23rd day of July, 1900, as set forth in the Schedule to this Act, and intituled "The Silver Creek and Castore River Drainage By-law," provided for the issue of debentures of the said Corporation to the amount of \$12,462.62 to defray the cost of a drainage scheme in the said Township known as "The Silver Creek and Castore River Drainage Scheme;" and that the drainage work for which the said moneys were required has been delayed, and the moneys for the payment of the same and to be derived from the sale of the said debentures have not, until now, been required; and that doubt exists as to the validity of the debentures provided for in the said by-law owing to the period of two years having expired since the passing of the said by-law; and whereas a contract has been entered into for the execution of the drainage work contemplated by the said by-law, and the moneys to be derived from the sale of the said debentures are required for the carrying out of the said work, and whereas the said Corporation has prayed that the sale of the said debentures may be facilitated by legislation ratifying, confirming and authorizing the issue and sale of the said debentures; and whereas it appears that no proceedings have been taken to quash or set aside the said by-law; and whereas it is expedient to grant the prayer of the said petition and to confirm the said by-law;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
235 of Town-
ship of
Mountain
confirmed.

1. By-law No. 235 of the Municipal Corporation of the Township of Mountain, as set forth in the Schedule to this Act, and all assessments made, or to be made thereunder are confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof to all intents and purposes.

2 The said Municipal Corporation may within one year after the passing of this Act issue the debentures provided for in the said by-law for raising the sum of \$12,462.62, and such debentures shall be payable in the manner provided by the said by-law, and shall be valid and binding upon the said Corporation, and the ratepayers thereof, anything in any Act contained to the contrary notwithstanding.

SCHEDEULE.

By-law No. 235 of the Corporation of the Township of Mountain.

A By-law to provide for the drainage work in the Township of Mountain, in the County of Dundas, and for the borrowing on the credit of the Municipality the sum of \$12,462.62, being the proportion to be contributed by the said Municipality for completing the same.

Provisionally adopted the 24th of February, A.D. 1900.

Whereas the majority in number of the residents and non-resident owners, exclusive of farmers' sons not actually owners, as shown by the last revised assessment roll of the property, herein set forth in the Township of Mountain, in the County of Dundas, to be benefited by drainage work, have petitioned the Council of the said Township of Mountain asking for drainage of lots numbered seven to twelve inclusive in the Tenth Concession and lots numbered twelve to fourteen inclusive in the Eleventh Concession, and the side road between lots twelve and thirteen in the Eleventh Concession and the road allowance between Concessions Ten and Eleven in the said Township of Mountain.

And whereas thereupon the said Council of the Township of Mountain has procured an examination to be made by Thos. H. Dunn, P. L. S., being a person competent for such purpose, of the said area proposed to be drained and the means suggested for the drainage thereof, and all other lands and roads liable to assessment under this Act, and has also procured plans, specifications and estimates of the drainage work to be made by the said Thos. H. Dunn, and an assessment to be made by him of the lands and roads to be benefited by such drainage work, and all other lands and roads for contribution thereto, stating as nearly as he can the proportion of benefit, outlet liability and injuring liability, which in his opinion, will be derived or incurred in consequence of such drainage work by every road or lot or portion of lot, the said assessment so made, being the assessment hereinafter by this by-law enacted to be assessed and levied upon the roads, and lots or parts of lots hereinafter in that behalf specially set forth and described and the report of the said Thomas H. Dunn in respect thereof and of the said drainage work being as follows :—

To the Reeve and Councillors of the Township of Mountain.

Gentlemen:—I beg leave to submit to your honorable body a report prepared in accordance with instructions received on the 17th of July, 1897, and the 15th day of May, 1899, to carry into effect the prayer of the petition of James Madden and others asking for the drainage of lots numbered 7 to 12 inclusive in the 10th concession and lots number 12 to 14 inclusive in the 11th concession and the side road between lots 12 and

13 in the 11th concession and the road allowance between concessions 10 and 11 in the Township of Mountain.

To secure the drainage of the required area will require the deepening and widening of the watercourse known as the Silver Creek, the opening up of about twenty thousand feet of new ditch, including the Wylie Creek Branch 4,340 feet in length, the deepening, widening and straightening of 27 what may be called the outlet of the Silver Creek and the deepening, widening and straightening of the stream known as the South Branch of the North Castore River.

I have made a survey of the said streams and of the routes best suited for drains to drain the lands described, have planted hubs and stakes one hundred feet apart along the course and have prepared plan "E" accompanying this report, and showing the widths of the streams and their location with respect to the survey line. I have also levelled along the proposed course and have prepared and enclosed herewith profiles "E" showing the relative elevation of the ground surface and of the bottom or the grade line of the drain which it is proposed to construct. In addition I have made a careful examination of the lands, and herewith furnish schedules of assessment A, B, C, D, G and H, and plans A, B, C, D, G and H, indicating the lands and roads assessed and the amounts to be borne by each parcel.

I would recommend that the main drain commence at Sta. 0, a point situated on the eastern limit of the nine mile road between lots 6 and 7 in the 10th Con. of the Township of Mountain, distant six hundred and thirteen feet measured northward from the northern limit of the road allowance between Cons. 9 and 10 of said Township, and following the course laid down on the plan across lots 7, 8, 9, 10 and 11 in said 10th Con., lots 12, 13, 14 and the West Quarter of 15 in the 11th Con., and lots 14, 15, 16, 17, 18 and 19 in the 12th Con. of the said Township of Mountain, enter the 6th Con. of the Township of Osgoode, and continue across lot number 43 and the gore of said 6th concession, lot 41, 42, 43, in the 7th Con. lots 38, 39 and 40 in the 8th con., and lots 31, 32, 33, 34, 25, 36, 37, 38 in the 9th concession of the said Township of Osgoode.

The survey line of the Wylie Creek Branch begins at Sta. 0, a point situated at the intersection of the line between lots 10 and 11 con. 10, with the northern limit of the road allowance between cons. 9 and 10, and following the course laid down on plan "E" Northerly and North-easterly across lot 11, con. 10 a distance of 4,841 feet, ends at Sta. 102 of the main survey line.

A reference to the plans will show that this branch will intersect the main drain about five hundred feet south of the point of intersection of the two survey lines. For this reason the branch drain will require to be only 4,340 feet in length, instead of 4,841.

It will be seen by referring to the accompanying profile that the surface of the ground assumes a sharp grade from Sta. 0 to Sta. 44 of the main ditch, and it is this feature, together with the straightening of this portion of the Silver Creek, that has in the past caused so much damage to lands further east by the deposit of sand.

Believing that this tendency to wash down sand might seriously affect the maintenance of the drain, if constructed, unless some means is taken to prevent, I have recommended exceedingly flat side slopes at the beginning, and have refrained from asking any further straightening of this part of the creek, in order that the velocity of the water may be retarded to some extent and the liability to scour lessened.

In that portion of the drain traversing the swamp the object has been to make the course as straight as possible in order to increase the capacity and compensate in a measure for the sudden change of grade.

If in the prosecution of the work it should be found to be advantageous to use a ditcher on this portion, owing to the soft nature of the soil, the Engineer in charge may find it necessary to increase the width depending on the machinery used.

By a further reference to plan and profile "E" it will be found that some portions of the Castore River will not require deepening or widening, as the capacity in many places would be sufficient were it not for the numerous crooks and turns of the stream and the dams of mud, weeds and logs.

In sounding the bed of the Castore River, rock was discovered between Sta. 667 and 677, on lots 34 and 35 in the 9th concession of the Township of Osgoode. It will be necessary to remove this rock to an average depth of about one foot at an estimate cost of about \$1,145.00.

From Sta. 690 to Sta. 719 there is a slight obstruction in the shape of gravel beds, which, if allowed to remain, will have but a slight prejudicial effect on the remaining portion of the work; nevertheless I have provided for the raising of \$1,000 to be applied to their removal if found to be necessary by the Engineer in charge.

The work if completed will form an outlet for the water for a small area of land in the Township of South Gower, which is being rapidly cleared of timber and is very much in need of drainage. The Township of Winchester will be very slightly affected, while the Townships of Mountain and Osgoode will receive immense benefit, with which the cost to them is insignificant.

In order to give a definite description to the various subdivisions of those parts of lots 6, 7 and 8 in the 8th con. and lots 6 and 7 in the 9th con. of the Township of Mountain and lots 39 and 40 in the 6th and 7th cons. of the Township of Osgoode subdivided into building lots and occupied or owned by different parties, plans G. and H. of such parts of said Townships and separate schedules of assessment G. and H. have been made which plans and schedules accompany this report and form a part of my description of the land assessed.

It is further intended that the accompanying plan marked A. B. C. and D, to be taken to supplement the descriptions of parcels of land as shown in schedules A, B, C and D.

I have provided for the construction, enlargement and improvement of bridges and culverts throughout the course of the drainage work, rendered necessary by such work crossing public highways or the travelled portions thereof as follows :—

Bridge across Vernon Road, lot 43, con. 7, Tp. of Osgoode, at Sta. 415-50, removing and replacing \$200 00

Bridge at McLaren's, across road bet. cons. 8 and 9, Tp. of Osgoode, Sta. 609, removing and replacing 200 00

Bridge at Dow's, across road bet. lots 35 and 36, con. 9, Tp. of Osgoode, at Sta. 656, removing and replacing 200 00

The prosecution of the proposed drainage work will not necessitate the construction or enlargement of any bridges to afford access to the travelled portions of any public highway from the lands of any owner.

I have provided for the construction and enlargement of farm bridges rendered necessary by the drainage work as follows :—

Owner

Owner.	Lot or Part.	Con.	Township.	Amount.
Samuel Doran....	S. $\frac{3}{4}$ W. $\frac{1}{2}$ Lot 7	10	Mountain	\$ 7 00
J. McLaughlin....	N. $42\frac{1}{2}$ ac. S. $\frac{1}{2}$, E. $\frac{1}{2}$ and E. $\frac{1}{4}$ of S. 10 ac. E $\frac{1}{2}$ Lot 7	10	"	6 50
W. J. Clark.....	10 W $\frac{1}{2}$ lot 8	10	"	6 00
John Skuce.....	E $\frac{1}{2}$ Lot 8	10	"	6 00
James Madden....	W $\frac{1}{2}$ Lot 9	10	"	6 00
John Madden.....	E $\frac{1}{2}$ Lot 9	10	"	6 00
P. McCaughey....	Lot 10	10	"	6 00
P. & D. McLaren.	Lot 37	9	Osgoode	75 00
Arch. Stewart.....	Lot 34	9	"	75 00

I have estimated the value to the proposed drainage work of all the private or award ditches that will be incorporated with and of value thereto and allow for the same as directed by sub-sec. 4 of sec. 9 of the Drainage Act as follows:—

Samuel Doran, owner of S. $\frac{3}{4}$ W. $\frac{1}{2}$ lot 7	\$10 00
J. McLaughlin, owner of N. $42\frac{1}{2}$ ac. S. $\frac{1}{2}$, E. $\frac{1}{2}$ and E. $\frac{1}{4}$ S. 10 ac. E. $\frac{1}{2}$ lot 7 :.....	6 00
W. J. Clark, owner of W. $\frac{1}{2}$ lot 8	4 00

All in the 10th Con. of the Township of Mountain.

There will be no damage to any lands and crops occasioned by the disposal of the material from the proposed drainage work or in the construction of such work if the specifications be strictly followed and reasonable care and prudence exercised.

Specifications.

The drain shall be constructed in accordance with the requirements of the accompanying plan and profile marked E and the following specifications:—

Location—Main Drain.

From Sta. 0 to Sta. 34 the drain shall follow the present ditch or creek, as shown on Plan E.

From Sta. 34 to Sta. 110-05 the centre line of the drain shall be nine feet from the right of line of hubs, except from Sta. 44-57 to Sta. 57-30 and from Sta. 78-32 to Sta. 110-05 where it shall be as shown on Plan E.

From Sta. 110-05 to Sta. 194-37 the centre line of the drain shall be 12 feet to the right of the line of hubs.

From Sta. 194-37 to Sta. 719 the location of the drain shall be as shown on Plan E, following the stream, except where indicated by dotted red lines and where the stream is wider than the herein specified width of drain a good centre line must be maintained tending to straighten the stream rather than to increase the number of its curves or to sharpen its angles. The centre line of the branch shall be ten feet to the left of the line of hubs.

Bottom Width—Main Drain.

From Sta. 0 to Sta. 45 the bottom width shall be 3 feet.

From Sta. 45 to Sta. 70 the bottom width shall be 4 feet.

From Sta. 70 to Sta. 102 the bottom width shall be 5 feet.

From Sta. 102 to Sta. 150 the bottom width shall be 7 feet.

From Sta. 150 to Sta. 186 the bottom width shall be 8 feet.

From Sta. 186 to Sta. 220 the bottom width shall be 10 feet.

From

From Sta. 220 to Sta. 240 the bottom width shall be 11 feet.
 From Sta. 240 to Sta. 276 the bottom width shall be 12 feet.
 From Sta. 276 to Sta. 300 the bottom width shall be 18 feet.
 From Sta. 300 to Sta. 350 the bottom width shall be 20 feet.
 From Sta. 350 to Sta. 400 the bottom width shall be 22 feet.
 From Sta. 400 to Sta. 450 the bottom width shall be 24 feet.
 From Sta. 450 to Sta. 500 the bottom width shall be 26 feet.
 From Sta. 500 to Sta. 600 the bottom width shall be 28 feet.
 From Sta. 600 to Sta. 719 the bottom width shall be 30 feet.

The bottom width of the branch shall be five feet throughout.

Side Slopes—Main Drain.

From Station 0 to Station 20 the side slopes shall be 2 to 1.

From Station 20 to Station 630 the side slopes shall be 1½ to 1.

From Station 630 to Station 719 the side slopes shall be 2 to 1.

The side slopes of the Branch shall be 1½ to 1 throughout.

Excavation in rock may be vertical sides if made 32 feet wide.
Disposal of Earth.

The excavated material may be deposited on either side of the drain, but must not in any way obstruct the drainage of the surrounding lands or damage any public or private roads.

From Sta. 0 to Sta. 187 of the main drain and from Sta. 0 to the end of the branch the excavated material shall be removed to a distance of not less than five feet from the edge of the completed drain.

From Sta. 187 to Sta. 277 the excavated material shall be removed to a distance of not less than 8 feet outside the edge or bank of the stream, herein cited as the outlet of the river creek, or where the stream is abandoned the material shall be removed to a distance of not less than 8 feet from the edge of the completed ditch.

From Sta. 277 to Sta. 636 the excavated material shall be removed to a distance of not less than 12 feet outside of the natural banks of the stream, or where the stream is abandoned, then 12 feet from the edge of the completed ditch, except as the Engineer in charge may permit or direct the filling of holes or abandoned portions of the stream.

From Sta. 636 to Sta. 719 all excavated material must be removed to a distance of not less than 25 feet outside and beyond the reach of high water.

Chopping.

From Sta. 25 to Sta. 34—34 all trees must be cut from the banks of the completed drain for a space of 15 feet in width on each side thereof.

My estimate of the cost of the construction in each municipality and on the boundary road is :—

Township.	Excavation.	Bridges.	Allowance, for Ditch.	Total.
Mountain	\$4,610 16	\$43 50	\$20 00	\$4,673 66
Osgoode	13,889 56	750 00	.....	14,639 56
M. & O. Boundary Road	21 84	.....	.....	21 84

By

By referring to the assessment schedules herein contained it will be seen that the total assessment according to municipality is as follows:—

Township of South Gower	\$ 456 33
" Mountain	12,462 62
" Winchester	133 54
" Osgoode	10,955 63
 Total assessment	 \$24,008 12

My estimate of the total cost of the work is \$24,008.12, made up as follows:—

EXCAVATION

MAIN DRAIN.

Section.	Station.	Distance.	Cost.
1	0 to 10	1000 feet	26 00
2	10 to 20	"	30 80
3	20 to 30	"	20 40
4	30 to 40	"	16 64
5	40 to 50	"	26 40
6	50 to 60	"	73 92
7	60 to 70	"	69 30
8	70 to 80	"	100 70
9	80 to 90	"	107 07
10	90 to 100	"	112 32
11	100 to 110	"	132 27
12	110 to 120	"	128 98
13	120 to 130	"	139 62
14	130 to 140	"	131 43
15	140 to 150	"	144 59
16	150 to 160	"	155 09
17	160 to 170	"	162 37
18	170 to 180	"	178 12
19	180 to 190	"	161 60
20	190 to 200	"	158 45
21	200 to 210	"	82 70
22	210 to 220	"	84 20
23	220 to 230	740 "	86 90
24	230 to 240	810 "	121 80
25	240 to 250	1000 "	108 50
26	250 to 260	1000 feet	114 10
27	260 to 270	780 "	120 40
28	270 to 280	900 "	165 80
29	280 to 290	1000 "	66 60
30	290 to 300	1000 "	88 80
31	300 to 310	1000 "	288 36
32	310 to 320	500 "	363 59
33	320 to 330	1000 "	327 72
34	330 to 340	710 "	299 88
35	340 to 350	620 "	255 48
36	350 to 360	1000 "	312 84
37	360 to 370	"	261 00
38	370 to 380	"	102 24
39	380 to 390	"	380 64
40	390 to 400	"	72 00
41	400 to 410	"	

Section.	Station.	Distance.	Cost.
42	410 to 420	"	53 76
43	420 to 430	"	658 32
44	430 to 440	"	507 12
45	440 to 450	"	701 76
46	450 to 460	"	809 95
47	460 to 470	570 feet	422 38
48	470 to 480	1000"	438 96
49	480 to 490	"	345 00
50	490 to 500	"	379 08
51	500 to 510	"	431 52
52	510 to 520	"	337 20
53	520 to 530	"	429 84
54	530 to 540	"	350 96
55	540 to 550	"	462 93
56	550 to 560	"	299 88
57	560 to 570	"	338 64
58	570 to 580	"	411 60
59	580 to 590	"	484 75
60	590 to 600	"	252 98
61	600 to 610	"	280 56
62	610 to 620	"	346 64
63	620 to 630	"	432 96
64	630 to 640	"	139 92
65	640 to 650	"	175 50
66	650 to 660	"	229 28
67	660 to 670	" { rock	245 00
		earth	335 00
68	670 to 680	" { rock	900 00
		earth	120 00
69	680 to 690	"	100 00
70	690 to 719	2900 feet	1,000 00

Total excavation on the Main Drain..... \$18,201 11

BRANCH.

Section.	Station.	Distance.	Cost.
1.	0 to 10	1000 feet	58 02
2.	10 to 20	"	68 34
3.	20 to 30	"	71 10
4.	30 to 40	"	92 10
5.	40 to 43-40	340 feet	30 89

Total excavation on Wylie Creek Branch.....	\$320 45
Excavation grubbing, etc., total	18,521 56
Engineering, survey plans, estimates, etc.	1,560 00
Expenses paid in cash	147 21
Legal expenses	130 00
Labor on survey (not paid in cash)	239 85
Replacing three road bridges as above	600 00
Alliances for farm bridges as above	193 50
Clerks' fees	239 00
Courts of Revision	120 00
Framing by-laws	60 00
Registering by-laws	12 00
Letting Contract	40 00
Printing	225 00
Allowance for all private or award ditches.....	20 00
Legal and Engineering expenses during construction and other contingencies	1,900 00
Making a total	\$24,008 12

This sum I assess against the lands and roads to be benefited and using this drain for an outlet or for which when constructed an improved outlet is provided and against the lands to be relieved from injuring liability, as shown in accompanying schedules A, B, C, D, G and H.

The drain when completed shall be maintained at the expense of the Municipality of the Township of South Gower, the Municipality of the Township of Mountain, the Municipality of the Township of Winchester, and the Municipality of the Township of Osgoode, and the land assessed in the said municipalities, the said lands and municipalities paying in the same proportion as for construction.

All of which is respectfully submitted.

I have the honor to be, Gentlemen,

Your obedient Servant,

(Sgd.) THOMAS H. DUNN.

And whereas it appearing from the said Report that it is required to continue the said drainage work beyond the limits of the Township of Mountain and into and through the Municipality of the Township of Osgoode, the Council of the said Township of Mountain has caused a copy of the said report, plans, specifications, assessments and estimates to be served upon the head of the Municipality of the Township of Osgoode, in manner as provided by the said Municipal Drainage Act.

And whereas the said Council of the Township of Mountain are of the opinion that the drainage of the area described is desirable.

Therefore the said Municipal Council, of the said Township of Mountain, pursuant to the provisions of the Municipal Drainage Act, enacts as follows:—

1. The said reports, plans, specifications, assessments and estimates are hereby adopted and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.

2. The Reeve of the said Township of Mountain may borrow on the credit of the Corporation of the said Township of Mountain the sum of twelve thousand four hundred and sixty-two dollars and sixty-two cents, being the said Municipality's proportion of the funds necessary for the work, and may issue the debentures of the Corporation to that amount, in sums of not less than fifty dollars, and payable within twenty years from the date hereof, with interest at the rate of five per centum per annum, that is to say: In twenty annual payments of such amounts, that the aggregate amount for principal and interest in any year shall be equal as nearly as may be, to what is payable for principal and interest during each of the other years of such period, such debentures to be payable at the office of the Treasurer of said Township of Mountain and to have attached to them coupons for the payment of interest.

3. For paying the sum of seventeen hundred and eighty-one dollars and seven y-eight cents, the amount charged against the said lands and roads for benefit the sum of nine thousand six hundred and six dollars and forty-two cents, the amount charged against the said lands and roads for outlet liability, and sixty dollars and seventy-eight cents, the amount charged against the said lands and roads for injuring liability, apart from lands and roads belonging to or controlled by the Municipality, and for covering interest thereon for twenty years at the rate of five per centum per annum, the following total special rates over and above all other rates shall be assessed, levied and collected upon and from the undermentioned lots and parts of lots and roads and the amount of the total special rates and interest against each lot or part of lot respectively shall be divided into twenty equal parts, and one such part shall be levied and assessed and collected as aforesaid in each year for twenty years after the final passing of this by-law, during which the said debentures have to run.

4. For paying the sum of ten hundred and thirteen dollars and sixty-four cents, the amount assessed against the said lands and roads of the municipality

municipality and for covering interest thereon for twenty years at the rate of five per centum per annum, a special rate on the dollar sufficient to produce the required yearly amount, therefore, shall over and above all other rates to be levied and collected (in the same manner and at the same time as taxes are levied and collected) upon and from the whole rateable property in the said Township of Mountain, in each year for twenty years, after the final passing of this by-law, during which the said debentures have to run.

5. This by-law shall be published once in every week for four consecutive weeks in the Advance Newspaper, published in the Town of Kemptville, in the County of Grenville, unless the said Municipal Council shall by resolution direct services in lieu of publication in manner as provided by The Municipal Drainage Act, in which event it shall be served in manner as provided by the said Act, and shall come into force upon and after the final passing thereof, and may be cited "The Silver Creek and Castor River Drainage By-Law."

Passed in open Council this twenty-third day of July, A.D. 1900.

(Sgd.) HUGH MARTIN, (Township Seal.) CHAS. PATTON,
Tp. Clerk. Reeve.

Take notice that a Court of Revision of the Municipality of the Township of Mountain will be held at the Village of Hallville, in the said Township of Mountain, the ninth day of April, A.D. 1900, at the hour of ten o'clock in the forenoon, for the purpose of hearing complaints against the assessment made in By-law No 235 of 1900, of the said Municipality, of which the foregoing is a true copy, or any other complaint which persons interested may desire to make, and which is by law cognizable by the said Court.

And further take notice that any one intending to apply to have the said By-law or any part thereof quashed must not later than ten days after the final passing thereof, serve a notice in writing upon the Reeve or other head officer, and the clerk of the Municipality of his intention to make application, for that purpose to the High Court of Justice at Toronto, during the six weeks next ensuing the final passing of the said By-law.

Dated this 26th day of February, A.D. 1900.

(Sgd.) HUGH MARTIN,
Clerk of the Township of Mountain.

Name of Owner.	Lot or Part.	Acres.	Value of Outlet liability.	To cover interest for 20 years at 5%.	Total special rate.	Annual assessment during each year for 20 years.	\$	c.	\$	c.	\$	c.
Concession 6.												
James Fraser	N. 100 acres lot 1	100	17 59	10 61	28 20	1 41						
J. Vanallan	N. 67 acres W. $\frac{1}{2}$ lot 2	67	1 63	97	2 60	1 13						
Clas. Middagh	E. $\frac{1}{2}$ lot 2	94	94	66	1 60	0 08						
Concession 7.												
Peter Fraser	E. 83 acres of W. 169 acres lot 1	83	25 21	15 19	40 40	2 02						
A. and G. Smith	W. 86 acres lot 1	86	28 50	17 30	45 80	2 29						
W. K. Smith	E. 100 acres lot 1	100	25 27	15 33	40 60	2 03						
D. Smith	S. 95 acres of W. 135 acres lot 2	95	25 31	15 29	40 60	2 03						
W. Cummings	N. 40 acres of E. 135 acres lot 2	40	9 79	6 01	15 80	7 79						
Chas. Middagh	S. 25 acres of E. 65 acres lot 2	25	2 57	1 63	4 20	2 21						
Ellen Smith	N. $\frac{1}{2}$ S. 50 acres of E. 65 acres lot 2	25	8 05	4 95	13 00	6 65						
Sam Barnhardt	N. 15 acres of E. 65 acres lot 2	15	5 02	2 98	8 00	4 40						
A. Christie	W. 5-12 of pt. N. of Given Rd. and W. 165-240 of pt. S. of Given Rd. lot 3	102	18 96	11 44	30 40	1 52						
W. Christie	E. 7-12 of pt. N. of Given Rd. and E. 75-240 of pt. S. of Given Rd. lot 3	98	27 64	16 76	44 40	2 22						
H. Settles, Sr	W. $\frac{1}{4}$ lot 3	50	11 29	6 91	18 20	9 91						
Betsy Brown	E. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 4	50	12 07	7 33	19 40	9 97						
H. Settles, Sr	W. $\frac{1}{2}$ of E. $\frac{1}{2}$ lot 4	50	12 11	7 29	19 40	9 97						
H. and D. B. Suttles	E. $\frac{1}{2}$ lot 4	50	12 48	7 52	20 00	1 00						
C. W. J. Stewart	W. $\frac{1}{2}$ lot 5	100	20 24	12 16	32 40	1 62						
Thos. Stewart	E. $\frac{1}{2}$ lot 5	100	16 83	10 17	27 00	1 35						
H. J. Loucks	W. $\frac{1}{2}$ lot 6	100	12 46	7 54	20 00	1 00						
A. Hyndman	E. $\frac{1}{2}$ lot 6	100	6 17	3 63	9 80	4 49						
Dan. McMillen	W. $\frac{1}{2}$ lot 7	963 ¹	3 10	1 90	5 00	2 25						
Pres. Mansc	E. $\frac{1}{2}$ N. W. 3 acre lot 7	1				0 02						

C. Hyndman.....	E. $\frac{1}{2}$ lot 7	47
Weir Bros	W. $\frac{1}{2}$ lot 8.....	20
Concession 8.		
A. and G. Smith	W. $\frac{1}{2}$ lot 1.....	9 40
Liv. Smith	E. $\frac{1}{2}$ lot 1.....	4 00
James Roach	N. $\frac{8}{3}$ acres of W. $\frac{1}{2}$ of E. $\frac{1}{2}$ lot 2.....	113 20
Sam. Barnhart	S. 17 acres of W. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 2	102 00
Sam. Barnhart	S. 4 acres of E. $\frac{1}{2}$ of E. $\frac{1}{2}$ lot 2	5 10
A. Barnhart	N. $\frac{1}{2}$ S 34 acre of W. $\frac{1}{2}$ of E. $\frac{1}{2}$ lot 2	36
W. Cummings	W. $\frac{1}{2}$ lot 2.....	43
John Vanallan	N. 25 $\frac{1}{2}$ acres of E. $\frac{1}{2}$ of E. $\frac{1}{2}$ lot 2	12
Wm. Balkwell	N. 13 acres of S. 17 acre E. $\frac{1}{2}$ of E. $\frac{1}{2}$ lot 2	56
R. McCaughey	S. $\frac{1}{2}$ lot 3	3 25
Michael Roach	E. $\frac{1}{2}$ E. $\frac{1}{2}$ of N. $\frac{1}{2}$ lot 3	70
John Vanallan	W. $\frac{1}{2}$ E. $\frac{1}{2}$ of N. $\frac{1}{2}$ lot 3	31
Wm. Christie	W. $\frac{1}{2}$ N. $\frac{1}{2}$ lot 3.....	49
Hugh Clelland	S. 31 $\frac{1}{2}$ acre of E. $\frac{1}{2}$ of W. $\frac{1}{2}$ lot 4	18
H. Settles	N. 37 $\frac{1}{2}$ acre of W. $\frac{1}{2}$ lot 4	40
R. McCaughey	S. 31 $\frac{1}{2}$ acre W. $\frac{1}{2}$ lot 4	40
A. Crowder	W. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 4	40
Wm. Balkwell	E. $\frac{1}{2}$ lot 4	34
Wm. Cummings	W. $\frac{1}{2}$ S. $\frac{1}{2}$ of W. $\frac{1}{2}$ lot 5	34
Robt. Dougall	E. $\frac{1}{2}$ S. $\frac{1}{2}$ of W. $\frac{1}{2}$ lot 5	34
Hugh Shaw	N. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 5	34
Richard Beggs	E. $\frac{1}{2}$ lot 5	34
Janes Shaw	W. $\frac{1}{2}$ lot 6	34
Wm. Coleman	S. $\frac{7}{8}$ E. $\frac{1}{2}$ N. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 7	34
Mrs. Donaldson	S. $\frac{3}{8}$ N. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 7	34
John Martin	S. $\frac{1}{2}$ N. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 7	34
W. J. Clark	S. $\frac{3}{8}$ E. $\frac{1}{2}$ lot 7	34
James Martin	S. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 7	34
S. John Sipes	W. $\frac{1}{2}$ lot 8	34
John Sipes	E. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 8	34
Mrs. Shaw	E. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 8	34
Arch. Bates	E. $\frac{1}{4}$ lot 8	34
Wm. Campbell	W. $\frac{1}{4}$ & S. $\frac{1}{2}$ E. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 9	34
Jos. Campbell	E. $\frac{1}{2}$ & N. $\frac{1}{2}$ E. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 9	34
		63

Name of Owner.	Lot or Part.	Acres.	Value of Out- let liability.	To cover in- terest for 20 years at 5%.	Total special rate.	Annual assessment during each year for 20 years.	\$ c.	\$ c.	\$ c.
Concession 8.—Concluded									
S. Hyndman.	W. $\frac{1}{4}$ lot 10.	50	8 36	5 04	13 40	67			
John Dougall.	E. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 10.	50	5 25	3 15	8 40	42			
Sam. Hyndman.	E. $\frac{1}{2}$ lot 10	100	5 34	3 26	8 60	43			
James Thompson.	W. 200 acres lot 1	200	99 27	59 93	159 20	7 96			
W. Thompson, Sr.	E. 70 acres (overplus) lot 1	70	37 63	22 77	60 40	3 02			
Samuel Brown.	E. $\frac{1}{2}$ S. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 2	25	18 90	11 50	30 40	1 52			
B. Keating.	N. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 2.	50	33 17	20 03	53 20	2 66			
Robt. Balkwell.	W. $\frac{1}{2}$ S. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 2.	25	18 11	10 89	29 00	1 45			
G. A. Balkwell.	S. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 2.	50	31 74	19 06	50 80	2 54			
Pat. Cassiday.	N. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 2.	50	29 82	17 98	47 80	2 39			
Jas. Hyndman.	N. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 3.	50	33 39	20 21	53 60	2 68			
Concession 9.									
M. Laughlin.	N. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 3.	50	35 34	21 46	56 80	2 84			
R. McCaughey.	E. $\frac{1}{2}$ S. $\frac{1}{2}$ of E. $\frac{1}{2}$ lot 3.	25	15 74	9 46	25 20	1 26			
Michael Roach.	W. $\frac{1}{2}$ S. $\frac{1}{2}$ of E. $\frac{1}{2}$ lot 3.	25	16 36	9 84	26 20	1 31			
Samuel Brown.	S. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 3.	50	37 99	23 01	61 00	3 05			
Hugh Cleland.	W. $\frac{1}{2}$ S. $\frac{1}{2}$ lot 4.	50	24 53	14 87	39 40	1 97			
A. Crowder.	E. $\frac{1}{2}$ S. $\frac{1}{2}$ lot 4.	50	27 78	16 82	44 60	2 23			
P. Blanchfield.	N. $\frac{1}{2}$ lot 4.	100	81 64	49 36	131 00	6 55			
L. Laughlin.	N. $\frac{1}{2}$ lot 5.	50	42 77	25 83	68 60	3 43			
E. R. McCaughey.	E. $\frac{1}{2}$ S. $\frac{1}{2}$ lot 5.	50	30 05	18 15	48 20	2 41			
Michael Roach.	W. $\frac{1}{2}$ S. $\frac{1}{2}$ lot 5.	50	29 30	17 70	47 00	2 35			
do.	S. $\frac{1}{2}$ N. $\frac{1}{2}$ lot 5.	50	32 27	19 53	51 80	2 59			
W. J. Wylie.	S. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 6.	50	34 73	21 07	55 80	2 79			
H. H. McShane.	N. $\frac{1}{2}$ N. $\frac{1}{2}$ S. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 6.	61	4 10	2 50	6 60	3 33			
Samuel Kerr.	N. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 6.	50	29 64	17 96	47 60	2 38			
Jos. Robinson.	S. $\frac{1}{2}$ N. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 6.	61	4 10	2 50	6 60	2 33			

John Hyndman	S. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 6	2 37
Mrs. McMullen	N. $\frac{2}{3}$ S. $\frac{3}{4}$ S. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 6	2 40
Jas. Cassiday	N. $\frac{1}{2}$ lot 7	17 87
W. J. Wylie	N. $\frac{3}{4}$ W. $\frac{1}{2}$ of S. $\frac{1}{2}$ lot 7	29 53
John Wylie	E. $\frac{1}{2}$ S. $\frac{1}{2}$ lot 7	50
Jas. Cassiday	S. $\frac{1}{2}$ lot 8	100
William Hoy	S. $\frac{1}{2}$ lot 8	100
W. J. Clark	N. $\frac{1}{2}$ lot 9	100
Samuel Brown	S. $\frac{1}{2}$ lot 9	100
Mrs. Stewart	W. $\frac{1}{4}$ lot 10	150
 Concession 10.		
Jas. Thompson	W. $\frac{1}{2}$ lot 1	100
William Thompson	E. $\frac{1}{2}$ lot 1	100
William Thompson	W. $\frac{1}{2}$ lot 2	100
W. D. Allen	E. $\frac{1}{2}$ lot 2	100
Pat. Cassiday	W. $\frac{1}{2}$ lot 3	100
Jas. Hyndman	E. $\frac{1}{2}$ lot 3	100
M. Laughlin	W. $\frac{1}{2}$ lot 4	100
L. Caughey	E. $\frac{1}{2}$ lot 4	100
P. Blanchfield	W. $\frac{1}{2}$ S. 7-10 lot 5	100
L. Laughlin	E. $\frac{1}{2}$ S. 7-10 lot 5	70
D. M. Allen	N. $\frac{1}{2}$ lot 5	70
do	do	60
William Allen	S. $\frac{1}{2}$ N. $\frac{1}{2}$ lot 6	50
Robt. Allen	W. $\frac{3}{5}$ S. $\frac{1}{2}$ lot 6	60
Isaiah Fusee	E. 2-5 S. $\frac{1}{2}$ lot 6	40
John Allan	N. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 7	25
Samuel Doran	S. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 7	75
Matthew Clark	N. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 7	50
Francis Skuce	W. $\frac{3}{4}$ S. 10 acre of E. $\frac{1}{2}$ lot 7	7 $\frac{1}{2}$
J. McLaughlin	N. 42 $\frac{1}{2}$ acre S. $\frac{1}{2}$ E. $\frac{1}{2}$ & E. $\frac{1}{4}$ S. 10 acre E. $\frac{1}{2}$ lot 7	45
W. J. Clark	W. $\frac{1}{2}$ lot 8	100
John Skuce	E. $\frac{1}{2}$ lot 8	100
Jas. Madden	W. $\frac{1}{2}$ lot 9	100
John McCaughey	E. $\frac{1}{2}$ lot 9	100
Pat McCaughey	Lot 10	200
Orol & McCullough	N. $\frac{1}{4}$ lot 11	50
Sam Hyndman	S. $\frac{3}{4}$ lot 11	150
		4 440
		61 51

Name of Owner.	Lot or Part.	Acres.	Value of Outlet liability.	To cover interest for 20 years at 5 %.	Total special rate.	Annual assessment during each year for 20 years.	\$ c.	\$ c.	\$ c.	\$ c.
Concess'n 10.—Concluded.										
D. McIntyre.	W. $\frac{1}{2}$ lot 12	100	24.95	55.35	146.80	7.34				
Wm. Reid.	N. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 12	75	45.10	120.00	6.00					
Alex. Cleland.	W. $\frac{1}{2}$ lot 13	100	72.40	116.20	5.81					
David Berry.	W. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 13	50	32.97	20.03	2.65					
N. McKee.	E. $\frac{1}{4}$ lot 13	50	32.20	19.40	5.60					
R. B. Hyndman	W. $\frac{1}{4}$ lot 14	50	30.33	18.47	4.90					
James Shaw.	W. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 14	50	33.26	20.14	5.33					
George Hoy.	E. $\frac{1}{4}$ W. $\frac{1}{2}$ lot 14	50	28.90	17.50	4.64					
Wm. J. Christie.	E. $\frac{1}{4}$ lot 14	50	25.78	15.62	4.14					
Canada Co.	Lot 15	200	83.24	50.36	13.36	6.68				
Mrs. A. Parlinger	Lot 16	200	76.41	46.19	12.26	6.13				
do	Lot 17	200	72.89	44.11	11.77	5.85				
do	Lot 18	200	67.10	40.50	10.76	5.38				
Wm. Porteous.	N. $\frac{1}{2}$ lot 19	100	37.60	22.80	6.40	3.02				
"	S. $\frac{1}{2}$ lot 19	100	1.07	73	1.80	0.99				
W. J. Porteous	W. $\frac{1}{2}$ N. $\frac{1}{2}$ lot 20	40	9.92	6.08	1.60	0.80				
Fd. Merkley.	E. $\frac{3}{5}$ N. $\frac{1}{5}$ lot 20	60	5.96	3.64	9.60	4.80				
John Laing.	W. $\frac{1}{4}$ lot 21	50	25	15	40	2.02				
Concession 11.										
John E. Plunket.	Lot 1	200	32.84	19.76	52.60	2.63				
John Torrence.	Lot 2	200	47.16	28.44	75.60	3.78				
Geo. Hunt.	E. $\frac{1}{2}$ lot 3	100	25.48	15.32	40.80	2.04				
C. M. Montgomery.	W. $\frac{1}{2}$ lot 3	100	26.44	15.96	42.40	2.12				
James Adams.	S. $\frac{1}{2}$ lot 4	100	32.03	19.37	51.40	2.57				

Hez. Clark	N. $\frac{1}{2}$ lot 4	19 50	2 59
John Allen, Sr.	W. $\frac{1}{2}$ S. $\frac{1}{2}$ and S. $\frac{1}{2}$ E. $\frac{1}{2}$ of S. $\frac{1}{2}$ lot 5	17 58	1 41
Wm. Allan	W. $\frac{1}{2}$ N. $\frac{1}{2}$ and N. $\frac{1}{2}$ E. $\frac{1}{2}$ of S. $\frac{1}{2}$ of lot 5	18 87	1 51
Mrs. & D. R. Allen	E. $\frac{1}{2}$ N. $\frac{1}{2}$ lot 5	15 41	1 24
do	N. $\frac{1}{2}$ S. $\frac{1}{2}$ lot 6	50	1 14
Hez. Clark	S. $\frac{1}{2}$ lot 6	50	2 64
A. Caughey	S. $\frac{1}{4}$ lot 6	100	28 20
Matthew Clark	N. $\frac{1}{4}$ lot 7	50	11 33
Dan. M. Allen	W. $\frac{1}{2}$ S. $\frac{1}{4}$ lot 7	75	30 20
John Allen, Jr.	E. $\frac{1}{2}$ S. $\frac{1}{4}$ lot 7	50	24 80
Isaac Kenzie	E. $\frac{1}{2}$ lot 8	50	22 80
Henry Wallace	W. $\frac{1}{2}$ lot 8	100	19 85
Wm. Hoy	W. $\frac{1}{2}$ lot 9	100	19 85
Joseph Campbell	S. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 9	150	71 93
R. J. Dougal	N. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 9	25	15 36
Benjamin Acres	E. $\frac{1}{2}$ lot 10	25	15 65
John G. Acres	W. $\frac{1}{2}$ lot 10	100	51 37
Non Resident	Lot 11	100	53 54
J. W. Seymour	W. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 12	100	32 46
D. F. Sutherland	E. $\frac{1}{4}$ lot 12	50	30 39
Croil & McCullough	W. $\frac{1}{2}$ lot 12	50	15 18
do	Lot 13	100	15 83
Mrs. A. Earlinger	Lot 14	100	42 00
H. D. McDermot	W. $\frac{1}{4}$ lot 15	200	113 20
William Thom	E. $\frac{3}{4}$ lot 15	50	113 20
do	E. $\frac{1}{2}$ lot 16	100	56 11
John Martin	W. $\frac{1}{2}$ lot 16	100	33 89
Mrs. A. Earlinger	Lot 17	100	90 00
do	Lot 18	200	110 55
W. K. Farlinger	Lot 20	182 85	283 40
James Porteous	W. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 21	50	18 12
D. Porteous	W. $\frac{1}{2}$ lot 21	50	12 68
John Bowman	E. $\frac{1}{4}$ lot 21	100	45 06
do	W. $\frac{1}{2}$ lot 22	100	27 70
John Bowman	N. 25 acres s. 35 acres of E. $\frac{1}{2}$ lot 22	100	173 10
John Armstrong	N. 65 acres of E. $\frac{1}{2}$ lot 22	200	459 20
N. Corkner, Jr.	W. $\frac{1}{2}$ lot 21	50	173 10
Ambrose Froom	W. $\frac{1}{2}$ lot 21	50	60 26
Alex. Wood	E. $\frac{1}{2}$ lot 24	150	103 59
Samuel Reid	E. $\frac{1}{2}$ lot 24	100	51 79
John Armstrong	N. 65 acres of E. $\frac{1}{2}$ lot 22	100	51 79
do	W. $\frac{1}{2}$ lot 21	100	137 40
do	W. $\frac{1}{2}$ lot 21	100	103 59
do	W. $\frac{1}{2}$ lot 21	200	171 21
do	W. $\frac{1}{2}$ lot 21	200	156 10
do	W. $\frac{1}{2}$ lot 21	200	146 89
do	W. $\frac{1}{2}$ lot 21	200	153 99
do	W. $\frac{1}{2}$ lot 21	100	82 45
do	W. $\frac{1}{2}$ lot 21	100	35 87
do	W. $\frac{1}{2}$ lot 21	50	88 91
do	W. $\frac{1}{2}$ lot 21	50	93 21
do	W. $\frac{1}{2}$ lot 21	100	49 95
do	W. $\frac{1}{2}$ lot 21	100	132 40
do	W. $\frac{1}{2}$ lot 21	50	21 73
do	W. $\frac{1}{2}$ lot 21	50	57 60
do	W. $\frac{1}{2}$ lot 21	50	235 80
do	W. $\frac{1}{2}$ lot 21	100	247 20
do	W. $\frac{1}{2}$ lot 21	100	11 79
do	W. $\frac{1}{2}$ lot 21	100	54 00
do	W. $\frac{1}{2}$ lot 21	100	27 27
do	W. $\frac{1}{2}$ lot 21	100	72 40
do	W. $\frac{1}{2}$ lot 21	100	3 62
do	W. $\frac{1}{2}$ lot 21	100	13 60
do	W. $\frac{1}{2}$ lot 21	65	44 40
do	W. $\frac{1}{2}$ lot 21	65	1 00
do	W. $\frac{1}{2}$ lot 21	45	34
do	W. $\frac{1}{2}$ lot 21	105	9 41
do	W. $\frac{1}{2}$ lot 21	150	15 20

Name of Owner.	Lot or Part.	Acres.	To cover interest for 20 years at 5%.			Annual Assessment during each year for 20 years.		
			\$	c.	\$	c.	\$	c.
Concession 12.								
Samuel Reid.	S. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 3.	.50	1	39	81		2	20
Joseph Reid.	W. $\frac{1}{2}$ lot 4.	100	4	08	252	6	60	11
David Taylor.	E. $\frac{1}{2}$ lot 4.	100	5	46	334	8	80	33
Isaac Taylor.	E. $\frac{1}{2}$ lot 5.	100	-		612	10	40	44
John Allan, Jr.	W. $\frac{1}{2}$ lot 5.	100	6	28	372	10	00	82
Wm. J. Clark.	E. $\frac{1}{2}$ and S. W. $\frac{1}{4}$ lot 6.	150	32	86	1994	52	80	2
Wm. Reid.	N. $\frac{1}{2}$ W. $\frac{1}{2}$ lot 6.	49 $\frac{1}{2}$	8	68	532	14	00	64
Hez. Clark.	Lot 7.	200	54	24	3276	87	00	70
do	Lot 8.	200	97	86	5914	157	00	35
Thos. Crawford.	Lot 9.	200	107	31	6489	172	20	85
Daniel Clark.	S. W. $\frac{1}{4}$ lot 10.	50	29	44	1776	47	20	86
Duncan Clark.	N. W. $\frac{1}{4}$ lot 10.	50	32	37	1923	51	60	36
Thos. Carlyle.	E. $\frac{1}{2}$ lot 10.	50	35	10	2130	56	40	53
Wm. Thom.	W. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 10.	50	35	79	2161	57	40	82
Alex. McConnell.	W. $\frac{1}{2}$ lot 11.	100	64	05	3875	102	80	87
Wm. Carlyle.	E. $\frac{1}{2}$ lot 11.	100	76	90	4650	123	40	14
Wm. L. Carlyle.	W. $\frac{1}{2}$ lot 12.	100	82	32	4988	132	20	17
Thos. Storey.	E. $\frac{1}{2}$ lot 12.	100	86	70	5250	139	20	61
Robt. Reid.	W. $\frac{1}{2}$ lot 13.	100	94	50	5710	151	60	96
Wm. Thoin.	E. $\frac{1}{2}$ lot 13.	100	100	25	6055	160	80	58
Mrs. A. Farlinger.	S. $\frac{1}{2}$ lot 14.	100	122	10	7390	196	00	80
D. McPhail.	N. $\frac{1}{2}$ lot 14.	100	72	49	4391	116	40	82
do	Lot 15.	200	242	00	14640	388	40	1940
do	N. $\frac{1}{2}$ lot 16.	100	79	39	4801	127	40	637
Dan. J. Campbell.	W. $\frac{1}{2}$ E. $\frac{1}{2}$ of S. $\frac{1}{2}$ lot 16.	25	47	57	2883	73	40	382
Ches. Campbell.	E. $\frac{1}{2}$ E. $\frac{1}{2}$ of S. $\frac{1}{2}$ lot 16.	25	47	57	2883	76	40	382
Dan. Campbell.	W. $\frac{1}{2}$ S. $\frac{1}{2}$ lot 16.	50	95	15	5745	152	60	763
Ches. Campbell.	W. $\frac{1}{2}$ lot 17.	100	143	43	8677	230	20	1151
Mrs. A. Farlinger.	E. $\frac{1}{2}$ lot 17.	100	170	98	10342	274	40	1372
Wm. Dockstader.	Lot 18.	200	316	23	1917	507	40	2537
Mrs. A. Farlinger.	Lot 19.	200	303	36	18344	486	80	2134
Non-resident.	Lot 20.	200	266	42	16118	427	60	2138

John Kennedy.....	E. 4-7 N. $\frac{1}{2}$ lot 21.....	100	74 44	44 96	119 40
Alex. Kennedy.....	W. 3-7 N. $\frac{1}{2}$ lot 21.....	75	74 44	44 96	119 40
Wm. D. Kennedy.....	W. $\frac{1}{2}$ lot 21.....	25	17 93	10 87	28 80
Silas Stoodley.....	N. $\frac{1}{2}$ lot 22.....	100	63 07	38 13	101 20
Arch. Kennedy.....	E. $\frac{1}{2}$ S. $\frac{1}{2}$ lot 22.....	50	24 31	14 69	39 00
Wm. D. Kennedy.....	W. $\frac{1}{2}$ S. $\frac{1}{2}$ lot 22.....	50	29 17	17 63	46 80
Thos. Pool.....	E. 9-20 lot 23.....	90	47 70	28 90	76 60
Wm. F. Pool.....	W. 11-20 lot 23.....	110	53 28	32 32	85 60
Thomas Pool.....	W. 2-5 W. $\frac{1}{2}$ lot 24.....	40	23 35	14 05	42 28
Neh. Corkner.....	N. 3-5 W. $\frac{1}{2}$ lot 24.....	60	34 80	21 00	53 80
Roh't. Cinnamon.....	E. $\frac{1}{2}$ lot 24.....	100	57 95	35 05	93 00
Concession 8 and 9.					
Unincorporated Village of Hallville, being parts of lots 6, 7 and 8, con. 8, and lots 6 and 7, con. 9, as shown in Schedule G.					
Tp. of Mountain, roads as per Schedule F.....					
					28 48
					73 33

Concession 8 and 9.

Unincorporated Village of Halvile, being parts of lots 6, 7 and 8, con. 8, and lots 6 and 7, con. 9, as shown in Schedule G.
Tp. of Mountain, roads as per Schedule F

SCHEDULE F.
TOWNSHIP OF MOUNTAIN.

Designation.	Con.	Value of outlet liability.	To cover interest for 20 years at 5 p.c.	Total special rates.	Annual assessment during each year for 20 years.
Road between lots 18 and 19	12	\$22 29	\$13 51	\$35 80	\$1 79
" " 21 and 22	11	13 60	8 20	21 80	1 09
" " 22 and 23	12	12 89	7 71	20 60	1 63
Half of Mountain and Osgoode Boundary Rd.	.....	80 44	48 56	129 00	6 45
Half of Mountain and Winchester Boundary Rd.	.....	6 60	4 00	10 60	5 33
McShane St., Hallville,	9	1 55	.85	2 40	1 12
Half of S. Gower and Mountain Boundary Road.	.....	25 21	15 19	40 40	2 02
Given roads between lots 1, 2, 3 and 4	7	18 16	11 04	29 20	1 46
Road between	7 and 8	56 34	34 06	90 40	4 52
" " 8 and 9	9 and 10	73 94	44 66	118 60	5 93
" " 9 and 10	10 and 11	50 58	44 72	118 60	5 93
" " 10 and 11	11 and 12	92 04	108 92	289 00	14 45
" " 11 and 12 .....	.....	64 35	109 59	290 80	14 54
Nine mile road between lots 6 and 7	7	80	40	1 20	0 06
" "	8	15 62	9 38	25 00	1 25
" "	9	17 10	10 30	27 40	1 37
" "	10	24 02	14 58	38 60	1 93
" "	11	24 95	15 05	40 00	2 00
" "	12	11 67	7 13	18 80	1 94
Road between lots 5 and 6	10	16 75	10 05	26 80	1 34
" "	11	18 70	11 30	30 00	1 50
" "	12	9 73	5 87	15 60	7 78
" "	13	18 19	11 01	29 20	1 46
" " 12 and 13	10	24 92	15 08	40 00	2 00
" "	11	16 30	9 90	26 20	1 31
" "	12	10	8 58	13 80	6 69
" " 18 and 19	10	18 30	11 10	29 40	1 47
" Roads assessed in Wylie Creek Branch	11	32 82	25 38	67 20	3 36
LANDS	Total				

LANDS IN HALLVILLE.

Name of Owner.	Township Lot.	Village Lot.	No. of Acres.	Value of outlet liability.	To cover interest for 20 years at 5 p. c.	Total special rate.	Annual assessment during each year for 20 years.	\$. c.	\$. c.	\$. c.	\$. c.
Concession 9.											
Jno. Wylie, Jr.	Pt. E. $\frac{1}{2}$ S. $\frac{1}{2}$ 7	1	.30	.17	.03	.20	01	01	01	01	01
David Hoy.	"	2	.22	.12	.08	.20	01	01	01	01	01
"	"	3	.25	.14	.06	.20	01	01	01	01	01
"	"	4	.25	.14	.06	.20	01	01	01	01	01
Jos. Wallace.	"	5	.25	.14	.06	.20	01	01	01	01	01
Mrs. Barnhart.	"	6	.25	.14	.06	.20	01	01	01	01	01
James Shaw.	"	7	.25	.14	.06	.20	01	01	01	01	01
H.V. Wallace.	"	8	.194	.10	.10	.20	01	01	01	01	01
Mrs. J. Todd.	"	9	.056	.02	.18	.20	01	01	01	01	01
H.V. Wallace.	"	10	.25	.14	.06	.20	01	01	01	01	01
George Balkwell.	"	11	.25	.14	.06	.20	01	01	01	01	01
"	"	12	.25	.14	.06	.20	01	01	01	01	01
W. T. Clelland.	"	13	.25	.14	.06	.20	01	01	01	01	01
Benj. Adams.	"	14	.25	.14	.06	.20	01	01	01	01	01
Jos. Thompson.	"	15	.25	.14	.06	.20	01	01	01	01	01
"	"	16	.25	.14	.06	.20	01	01	01	01	01
W. T. Clelland.	"	17	.12	.05	.15	.20	01	01	01	01	01
L. O. L.	"	18	.076	.04	.16	.20	01	01	01	01	01
James Shaw.	"	19	.125	.06	.14	.20	01	01	01	01	01
"	"	20	.30	.17	.03	.20	01	01	01	01	01
John Adams.	"	21	.24	.13	.07	.20	01	01	01	01	01
Wm. Grant.	"	22	.49	.27	.13	.40	02	02	02	02	02
R. Mrs. Setties.	"	23	.25	.14	.06	.20	01	01	01	01	01
John Adams.	"	24	.25	.14	.06	.20	01	01	01	01	01
R. J. Hy. McShane	"	25	.67	.37	.23	.60	03	03	03	03	03
Wm. Anderson.	"	26	.29	.15	.05	.20	01	01	01	01	01
James Wylie.	Pt. S. $\frac{1}{2}$ E. $\frac{1}{2}$ 6	C	5.85	3.25	1.95	5.20	26	26	26	26	26
Mrs. McMullen.	Pt. S. $\frac{1}{2}$ W. $\frac{1}{2}$ 7	A	12.21	6.74	4	10.80	54	54	54	54	54

LANDS IN HALLVILLE.

Name of Owner.	Township Lot.	Village Lot.	No. of Acres	Value of outlet liability.	To cover interest for 30 years at 5 p.c.	Total special rate.	Annual assessment during each year for 20 years.
Concession 8.							
R. J. Dougall	Pt. N. $\frac{1}{4}$ E. $\frac{1}{2}$ 6	27	.55	\$.31	\$.09	\$.40	\$.02
James Shaw	"	28	.66	.36	.24	.60	.03
David Stein	E $\frac{3}{4}$ 29	.16	.09	.11	.20	.20	.01
R. Dougall	W $\frac{1}{4}$ 29	.08	.04	.16	.20	.20	.01
James Shaw	"	30	.20	.12	.08	.20	.01
"	"	B	10.83	.5	.3	.96	.48
Mrs. Donaldson	Pt. N. $\frac{1}{4}$ W. $\frac{1}{2}$ 7	31	.04	.04	.16	.20	.01
Wm. Patterson	"	32	.50	.27	.13	.40	.02
James Scarlet	"	33	.25	.14	.06	.20	.01
J. C. Tinkiss	"	34	.33	.18	.02	.20	.01
Hugh Beggs	"	35	.17	.10	.10	.20	.01
Wm. Coleman	"	D	11.19	.6	.3	.80	.50
Hy. Wallace	Pt. N. $\frac{1}{4}$ W. $\frac{1}{2}$ 8	37	.375	.21	.19	.40	.02
Henry Lewis	"	38	.375	.21	.19	.40	.02
A. Corrigan	"	39	.375	.21	.19	.40	.02
Harvey Totten	"	40	.375	.21	.19	.40	.02
Jas. Scarlet	"	41	.375	.21	.19	.40	.02
Total for Benefit						\$1,781 78	
Total for Outlet						9,605 42	
Total for Injuring Liability						60 78	
Total for Lands and Roads of Municipality						1,013 64	
Total						\$12,462 62	

LANDS

LANDS ASSESSED FOR BENEFIT AND INJURING LIABILITY.

Name of Owner.	Lot or Part.	Acres.	Value of Benefit.	Value of Injuring Liability.
9 Jas. Cassidy.....	N. $\frac{1}{2}$ lot 7.....	100	\$ c.	\$ c.
10 Samuel Doran.....	S. $\frac{3}{4}$ W. $\frac{1}{2}$ lot 7.....	75	64 00	5 55
10 Mathew Clark.....	N. $\frac{1}{2}$ E. $\frac{1}{2}$ lot 7.....	50	42 20	30 10
10 J. McLaughlin.....	N. $\frac{1}{2}$ ac S. $\frac{1}{2}$, E. $\frac{1}{2}$ and E. $\frac{1}{2}$; S. 10 ac E. $\frac{1}{2}$ lot 7.....	45	57 40	18 01
10 W. J. Clark.....	W. $\frac{1}{2}$ lot 8.....	100	58 70	.....
10 W. J. Skuce.....	E. $\frac{1}{2}$ lot 8.....	100	151 20	7 12
10 James Madden.....	W. $\frac{1}{2}$ lot 9.....	100	170 70	.....
10 John Madden.....	E. $\frac{1}{2}$ lot 9.	100	116 80	.....
10 Pat. McCaughey.....	Lot 10.....	200	233 08	.....
10 Croil & McCullough.....	N. $\frac{1}{2}$ lot 11.....	50	77 29	.....
10 Samuel Hyndman.....	S. $\frac{3}{4}$ lot 11.....	150	57 29	.....
10 D. McIntyre	W. $\frac{1}{2}$ lot 12.....	100	66 50	.....
11 J. W. Seymour	W. $\frac{1}{2}$ lot 12.....	50	44 30	.....
11 D. F. Sutherland.....	E. $\frac{1}{4}$ lot 12.	50	51 72	.....
11 Croil & McCullough.....	W. $\frac{1}{2}$ lot 12.....	100	73 80	.....
11 Croil & McCullough.....	Lot 13.....	200	258 40	.....
11 Mrs. A. Farlinger.....	Lot 14.....	200	258 40	.....
Designation.				
Road between.....				
" "	Concession 9 and 10.....	23	30	.....
" "	" 10 and 11.....	88	04	.....
" "	" 10.....	116	86	.....
" "	" 10.....	18	19	.....
Roads assessed in Wylie Creek Branch				
Total.....				
				2,062 09

CHAPTER 53.

An Act respecting the Town of Newmarket.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Corporation of the Town of Newmarket has by petition represented that on the 8th day of February, 1904, the council of the said town submitted to the vote of the duly qualified electors of the said town, By-law No. 285 of the said town intituled a By-law "To raise the sum of Ten Thousand Dollars for the purpose of granting a bonus to the Davis Leather Company, Limited," when three hundred and thirty-five of the said electors voted for the said by-law and twenty-four against it, the total number of electors qualified to vote on such by-law being 444; that on the 15th day of February, 1904, the said By-law was duly passed by the council of the said town and duly promulgated and registered as required by law; that in pursuance of the said by-law an agreement has been entered into between the corporation of the said town and the "Davis Leather Company, Limited," which agreement bears date the 15th day of February, 1904; that it has been agreed between the said town and the said company that certain lands and premises should be incorporated within the limits of the Town of Newmarket and that on these premises, when so incorporated, the said company should erect their tannery buildings as provided by the said agreement; and whereas the said municipal council of the said town has by the said petition prayed that an Act may be passed to legalize and confirm the said by-law and agreement and also to authorize the said council to grant by lease or otherwise Block "C," plan 85, and lot 16, plan 81, of the Town of Newmarket, known as "The Marsden Flat," to the "Office Specialty Manufacturing Company, Limited," for the purpose of a yard for piling lumber so that the danger of fire in the said town might be lessened; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No 285 of the Corporation of the Town of Newmarket set forth in Schedule A to this Act is confirmed and declared to be legal, valid and binding on the Municipal Corporation of the Town of Newmarket and the ratepayers thereof notwithstanding any want of jurisdiction on the part of the said town to pass the said by-law, and notwithstanding any defect or error in substance or form of the said by-law or in the manner of passing the same.

2. The agreement bearing date the fifteenth day of February, 1904, set forth in Schedule B to this Act, entered into between the said Corporation of the Town of Newmarket and the "Davis Leather Company Limited," is declared legal, valid and binding upon the said Corporation and upon the said "Davis Leather Company, Limited."

3. Notwithstanding anything in the preceding sections of this Act or in the said by-law and agreement contained the meaning of the exemption from taxation granted under the said by-law and agreement is declared to be that no taxes of whatever nature, except school taxes, shall be payable by the said company in the Town of Newmarket during the period fixed by the said by-law and agreement.

4. The following Lands and premises, namely :—" All and singular those certain parcels of land and premises situate, lying and being in the Township of East Gwillimbury in the County of York and Province of Ontario, containing together forty-five acres be the same more or less and being composed of :—

Firstly : Twenty-five acres, two rods and three perches part of Lot number 96 in the first Concession east of Yonge Street in said Township described as follows :—Commencing at a point in the easterly limit of the said Lot 96 on the westerly side of the allowance for the road between the First and Second Concessions at the distance of four chains and thirty eight links on a course north nine degrees west from the south-easterly angle of the said lot 96 ; thence south seventy-four degrees west fifteen chains and ninety-five links more or less to the easterly limit of the land of the Northern Railway of Canada ; thence northerly along the eastern limit of the said land of the Northern Railway of Canada to the northerly limit of the said lot No. 96, sixteen chains fifty links more or less to the north-easterly angle of the said lot 96; thence south nine degrees east along the easterly limit of the said lot 96 fourteen chains and ninety-two links more or less to the place of beginning ; and Secondly : Twenty-four acres and three quarters of an acre more or less, part of the south half of Lot No. 97 east of Yonge Street in said First Concession described as follows :—Commencing at the south east angle of said half lot ; thence northerly along the Concession line to the centre

By-law 285 in
aid of Davis
Leather Co.
confirmed.

Agreement
with Leather
Co. confirmed.

Certain lands
annexed to
town.

of said lot ; thence westerly along the dividing line to the old travelled road ; thence southerly along the easterly side of said road to the southerly limit of said lot intersecting the continuation of Main Street of the Town of Newmarket ; thence along the southerly limit of said lot to the place of beginning, save and excepting out of a parcel of land secondly described that portion thereof conveyed to the Northern Railroad Company by Eleazer Lewis containing one acre and one-quarter of an acre more or less, and also all that part thereof lying to the west of the land so conveyed to the Northern Railroad Company,

Are added to and declared to be within the corporate limits of the Town of Newmarket and to form part of St. George's Ward in the said town, and so much of the said property as shall not be exempt from taxation under the said by-law and agreement shall be liable for its proportion of all debts of the said town heretofore created.

**By-laws for
leasing
Marsden
Flats to Office
Specialty Co.**

5. The Municipal Council of the Town of Newmarket may from time to time pass by-laws for granting by lease or otherwise to the "Office Specialty Manufacturing Company, Limited," the lands known as Marsden Mill Flats, being Block "C" in Plan 85 and Lot 16 in Plan 81 of the Town of Newmarket, or such portion thereof as the said council may think proper and upon such terms and conditions as the said council may see fit to impose.

SCHEDULE A.

By-Law No. 285.

To raise the sum of Ten Thousand Dollars for the purpose of granting a bonus to the "Davis Leather Company, Limited."

Whereas, at a meeting of the ratepayers of the Town of Newmarket, called to discuss the purpose, it was deemed advisable to advance the sum of Ten Thousand Dollars for the purpose of granting a bonus to the "Davis Leather Company, Limited," on the condition of their erecting a tannery within the limits of the Town of Newmarket, and to grant exemption from taxation to the tannery so to be erected for all except school purposes, and a resolution was passed requesting the Council of the said Town to pass a By-law for borrowing the sum of Ten Thousand Dollars upon the credit of the Municipality for said purpose;

And whereas the Municipal Council of the Town of Newmarket has considered it advisable to comply with said request;

And whereas, to raise the said sum, the said Council deems it advisable to extend payment of the same over a period of twenty years by the issue of debentures bearing interest at four per cent. per annum extending over the period of twenty years as aforesaid, re-payable by annual installments of both principal and interest, such installments to be so arranged that the aggregate amount of principal and interest payable in any one year shall be equal to what is payable for principal and interest in each of the other years during the said term;

And whereas the total amount to be raised annually by special rates sufficient therefor upon all rateable property of the Municipality for paying the said debt and interest will be the sum of \$735.81 each year during the said period of twenty years;

And

And whereas the amount of the whole rateable property (liable to taxation for such purposes) of the Municipality according to the last revised assessment roll, being for the year 1903, is the sum of \$533,-
070.00;

And whereas the whole debenture debt of the Municipality amounts to \$55,252.51, of which no portion or principal or interest is in arrears.

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:—

1. That the Mayor is hereby authorized and required to issue debentures of the said Corporation to the amount of Ten Thousand Dollars, which shall be marked and known as the "Davis Leather Company, Limited, Debentures" and shall be in sums of not less than one hundred dollars each and shall be sealed with the corporate seal of the said Corporation, and signed by the Mayor and Treasurer thereof and shall be payable within twenty years from the date hereinafter mentioned for this By-law to come into effect at the office of the Treasurer at the Town of Newmarket with interest at four per centum per annum, as follows, that is to say :

1. The said principal sum in twenty annual instalments and interest at the rate aforesaid annually during said term, the aggregate amount of such instalments of principal and annual payment of interest shall be the sum of \$735.81 in each year.

2. For the purpose of paying the said sum of Ten Thousand Dollars and to cover interest on the said amount as aforesaid the sum of \$735.81 shall be levied by a special rate over and above all other rates in the same manner and at the same time as other taxes are levied upon the whole rateable property of the said Town liable to be rated therefor in each year for the period of twenty years from the date hereinafter mentioned for this By-law to take effect during which the said debentures have to run.

3. That for the period of ten years the property of the said "Davis Leather Company, Limited," shall be exempt from all taxes except school rates. This exemption of taxation shall apply only to the premises to be used in connection with the business and the plant, machinery, other appliances and the stock, both manufactured and being manufactured, of the said Company.

4. No part of the said bonus shall be paid over to the said "Davis Leather Company, Limited," until an agreement shall be entered into between the said Company and the Corporation of the Town of Newmarket by which the said Company bind themselves to erect a tannery according to such agreement and to carry on the business of tanning within the Corporation of the Town of Newmarket for a period of at least fifteen years from the first day of January, 1905, and to agree to comply with the terms of the agreement so to be made.

5. This By-law shall come into force and take effect on the 22nd day of February, 1904, if previously assented to by the voters of this Corporation legally qualified to vote thereon.

6. This By-law shall be submitted for the assent of the electors of the said Town under the provisions of The Municipal Act, and on Monday, the Eighth day of February, A.D. 1904, at the hour of nine o'clock in the forenoon, the poll will open to take the votes of the qualified electors of the Municipality on the said By-law and the poll will close in the afternoon or same day at five o'clock.

7. The places for taking the said votes and the Deputy Returning Officers of the several polling sub-divisions of the said Town shall be as follows:

For Polling Subdivision No. 1, M. W. Bogart, Deputy Returning Officer; polling place, Hose Reel House, Prospect Avenue.

For Polling Subdivision No. 2, William Rannie, Deputy Returning Officer; polling place, Market Building.

For Polling Subdivision No. 3, Geo. Wood, Deputy Returning Officer; polling place, Fire Hall.

8. That on Monday, the first day of February, A.D. 1904, at the hour of eight o'clock in the afternoon, at the Council Chamber of the said Town, the Mayor shall appoint in writing the persons to attend at the nothing

polling places, and at the final summing up of the votes on behalf of the persons interested in or opposing respectively the passing of the By-law.

9. That the Clerk of the said Municipality shall attend at the Council Chamber in the said Town at twelve o'clock, noon, on Wednesday, the Tenth day of February, 1904, to sum up the votes given for and against this by-law.

Passed this 15th day of February, 1904.

DAVID LLOYD, (L.S.)
Clerk.

H. S. CANE,
Mayor.

SCHEDULE B.

This Indenture made in duplicate this Fifteenth day of February in the year of our Lord One thousand nine hundred and four, between Davis Leather Company, Limited, hereinafter called the "Company" of the First Part, and the Municipal Corporation of the Town of Newmarket, hereinafter called the "Corporation" of the Second Part.

Whereas the said Corporation on the eighth day of February, 1904, did submit a by-law to the ratepayers of the Town of Newmarket qualified to vote the same offering a bonus of \$10,000 to the Company on condition that the Company should establish a tannery business within the Corporation and to exempt the said Company from payment of all taxes except school rates.

And whereas it was agreed between the parties hereto that the said bonus was to be paid over according to the terms of an agreement to be entered into between said Company and the said Corporation.

Now therefore this Indenture witnesseth that the said Company and the said Corporation do hereby mutually agree to and with the other as follows:—

1. The Corporation agrees to give and grant unto the said Company a bonus of Ten thousand dollars payable as hereinafter set out, exemption from all taxes, rates or assessments for a period of ten years from the first day of January, 1905, except school rates, to provide the said Company with all water that may be required by them for drinking purposes in connection with their said business free from all cost for a period of ten years from the first day of January, 1905, and to extend in a suitable manner the mains of the Corporation water works from Huron Street to the premises on which the tannery is to be erected, and to provide ample hydrants for fire protection for the buildings to be erected on the premises of the said Company.

2. The Company consent to the premises purchased from the estate of the late Vincent Denne, being part of lots numbers Ninety-six and Ninety-seven in the First Concession of the Township of East Gwillimbury east of Yonge Street, being incorporated within the limits of the Corporation of the Town of Newmarket, and on part of these premises, when so incorporated, do agree to erect with all proper diligence all the necessary buildings for a tannery, the buildings to be built of brick, stone or cement and to be of a substantial nature, at least fifty feet by two hundred and fifty feet and three stories high. And also that the said Company will put and place therein all necessary machinery for the carrying on of the business of the said tannery, the building and machinery to be of such a character and capacity as will require the employment of the number of hands hereinafter specified.

3. The said Company agree that by the end of the year 1905 the Company will employ at least fifty hands in their said business to be increased from year to year so that at the expiration of three years from the first day of January, 1905, the said Company will be employing at least eighty hands in their said business such hands to be employed daily (Sundays and legal holidays excepted) as hereinafter provided. And the Company agree that the employees so to be employed by them shall be and become residents

dents of the Town of Newmarket in so far as there is good and sufficient accommodation for them in said Town. It is hereby agreed that employees shall be considered residents within the meaning of this clause if they and their families (if any) are permanently residing within the Corporation of Newmarket within six months after they commence working in the said tannery.

4. The Company agree that they will carry on the business of a tannery in the said Town of Newmarket in the said tannery building or other buildings of equal value suitable therefor for a period of at least fifteen years from the 1st day of January, 1905, unless in case of fire or in case of accident to machinery, strikes or any other necessary reason as shall render such interruption unavoidable, and in any such case operation shall be resumed as soon as possible thereafter. And it is agreed that in case of interruption of the said business by fire, strike or other unavoidable cause, the time during which the said tannery is not in operation shall be added to the said period of fifteen years, and the said Company agree to continue the said tannery in operation for such additional time as may be so lost after the expiration of the period of fifteen years from the first day of January, 1905.

5. The Company agree with the Corporation that they will for and during the said period of at least fifteen years from the first day of January, 1905, employ in the said Town of Newmarket in and about the said tannery and in connection with their said business for at least ten months in each year the number of men hereinbefore specified each working day, and they will furnish, if demanded by the Corporation, on or before the first day of January in each year of said period a statutory declaration by an officer of the Company showing the number of hands employed by them during the preceding year. Nothing herein contained shall render it necessary for the Company to employ the said number of hands during any stoppage or interruption of the business as in the preceding paragraph of this agreement mentioned. It is understood and agreed that the average daily number of hands employed by such Company during ten months in any year shall be taken and accepted by the Corporation in satisfaction of this clause as to the number of hands to be employed daily by said Company.

6. And the Corporation also agrees to allow said Company to employ a number of employees not exceeding ten per cent. of the number employed, who need not be residents of the said Town within the meaning of this clause, provided they or their families reside outside a radius of ten miles from said Town of Newmarket.

7. The Corporation agrees to pay over to the said Company the sum of five thousand dollars when the said buildings are erected and the roof on, and the remaining five thousand dollars when the tannery is complete, the machinery installed and in running order.

8. Provided that the said Company carry out their covenants and agreements herein contained, the said Company's site and all plant, machinery, appliances and stock used in connection therewith and stock in trade, both manufactured and in process of manufacture, shall be exempt from all municipal taxes or other assessments (except school taxes) for a period of ten years from the first day of January, 1905, and in case of any dispute as to whether the Company are entitled to the exemptions the question may, in addition to all other methods of deciding the same, be determined in a summary manner by the Judge of the County Court of the County of York upon the application of either party, the cost of which is to be left to the discretion of the Judge.

9. That if at any time the said tannery should cease to be used by the said Company as a going concern, then the said tannery shall be assessed and full taxes paid thereon as long as it is not being used by the said Company in their business.

10. If the said Company during the said period of fifteen years remove their tannery to another site within the Corporation of the Town of Newmarket, they shall be entitled to same exemption thereon for the substituted site and building erected thereon and plant and machinery placed thereon for the balance of the said period and the site from which they removed

removed, together with the buildings, plant and machinery therein shall, unless the same are continued to be used in connection with the said business of the Company, be liable to taxation and to pay taxes in the ordinary way from date of such removal.

In witness whereof the said Company has hereunto affixed its corporate seal and the hand of its President, and the said Municipality has affixed its corporate seal and the hands of the Mayor and Clerk thereof.

H. S. CANE, Mayor.

DAVID LLOYD, Clerk.

DAVIS LEATHER CO., LIMITED.

E. J. DAVIS, President.

Signed, sealed and delivered
in the presence of
T. H. LLOYD.

CHAPTER 54.

An Act respecting the Town of North Bay.

Assented to 26th April, 1904.

WHEREAS the Municipal Corporation of the Town of ^{Preamble.} North Bay has by petition represented that the Council of the said municipal corporation did on the 30th day of September, 1902, pass a by-law to raise the sum of \$50,000 for the purpose of consolidating the floating indebtedness of the Town of North Bay, for the purchase of a site for a fire hall building and erection of a town hall and fire hall building thereon, for the extension of the water works system, and for general improvements, and that the said by-law was submitted to the duly qualified ratepayers of the said town when 67 of the said electors voted for the said by-law and 21 against the said by-law; and whereas the said council has by the said petition prayed that an Act may be passed validating and confirming the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 130 of the Municipal Corporation of the Town of North Bay set forth as Schedule A to this Act and all rates heretofore or hereafter levied under the said by-law are confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same or otherwise, and the debentures issued by the Municipal Corporation of the Town of North Bay under the said by-law, which debentures and the amounts payable thereon from time to time are more fully set out and described in Schedule B to this Act, are declared to be legal and binding upon the said municipality.

By-law No. 130
confirmed.

SCHEDULE A,

SCHEDULE A.

By-law No. 130.

Being a by-law to raise the sum of \$50,000 for the purpose of consolidating the floating indebtedness of the Town of North Bay, for the purchase of a site for a fire hall building and erection of a Town Hall and Fire Hall building thereon, for the extension of the waterworks system, etc., and for general improvements.

A by-law to provide for raising by way of loan upon the security of debentures of the Town of North Bay, the sum of fifty thousand dollars for the purpose of consolidating the floating indebtedness of the said Town, purchasing a site for a Town Hall and Fire Hall, erection of a Town Hall and Fire Hall, extension of the waterworks system, and general improvements.

Whereas it is desirable to purchase a site and erect a Town Hall and Fire Hall thereon within the Town of North Bay at an estimated cost of ten thousand dollars.

And whereas it is desirable to spend on general improvements in the said Town, particularly sidewalks, roads, purchase of lands for roads, sewers, etc., the sum of twenty-five thousand dollars.

And whereas it is desirable to extend the existing system of waterworks at an estimated cost of three thousand dollars.

And whereas the floating indebtedness of the said Town is twelve thousand dollars, which it is desirable to consolidate.

And whereas for the aforesaid expenditure it will be necessary to issue debentures of the said Town of North Bay for the sum of fifty thousand dollars as hereinafter provided, which is the amount of the debt intended to be created by this by-law, the proceeds of the said debentures to be applied to the purposes aforesaid and to no other.

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during a period of twenty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect to said debt shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of the said period.

And whereas the total amount required by the Municipal Act to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$4,012.15.

And whereas the amount of the whole rateable property of the Town of North Bay according to the last revised assessment roll thereof is \$517,062, and whereas the amount of the existing debenture debt of the said Municipality is \$54,434.78, of which no part, whether of principal or interest is in arrear.

Therefore the Municipal Council of the Corporation of the Town of North Bay enacts as follows:—

1. The sum of fifty thousand dollars shall be expended by the Town of North Bay as follows:—Twenty-five thousand dollars for street and sewerage improvements, purchase of land for streets, etc., in the said Town, ten thousand dollars for the purpose of purchasing a site for a Town Hall and Fire Hall and the erection of a Town Hall and Fire Hall building thereon, three thousand dollars for the extension of the water works system, and the sum of twelve thousand dollars for the purpose of consolidating the floating indebtedness of the said Town, and for the purpose of raising the said sum debentures of the said Town of North Bay to the said amount of \$50,000 shall be issued in sums of not less than \$100 each, on the 17th day of October, 1902, each of which debentures shall be dated on the date of the issue thereof and shall be payable within twenty years thereafter, at the Traders' Bank of Canada in the said Town of North Bay.

2. Each of the said debentures shall be signed by the Mayor of the said Town of North Bay, or by some other person authorized by by-law to sign the same, and by the Treasurer of the said Town of North Bay, and the Clerk shall attach thereto the Corporate Seal of the said Municipality.

2. The said debentures shall bear interest at the rate of five per cent. per annum and shall be payable yearly at the said Traders' Bank, North Bay, on the 31st day of March in each and every year during the currency thereof.

3. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said Town of North Bay the sum of \$4,012.15 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

4. This By-law shall take effect on the 17th day of October, 1902.

5. The vote of the electors of the said Town of North Bay shall be taken on this by-law at the following times and places, that is to say, on Wednesday, the 17th day of September next, at Fire Hall, Council Chambers, Aubrey Shop, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day by the following deputy returning officers :—

Fire Hall	N. Phelps.
Council Chamber	G. H. Newton.
Aubrey Shop	A. Torrance.

6. On the 15th day of September, 1902, the Mayor of the said Town of North Bay shall attend at the Council Chamber in the Town of North Bay at 10 o'clock in the forenoon to appoint the persons to attend at the various polling places aforesaid at the final summing up of the votes by the Clerk on behalf of the persons interested in and permitting or opposing the passage of this by-law respectively.

7. The Clerk of the Council of the said Town of North Bay shall attend at his office in the Council Chambers at ten o'clock in the forenoon of the 18th day of September, 1902, to sum up the number of votes for and against the by-law.

Dated at the Council Chambers in the Town of North Bay the 30th day of September, 1902.

M. W. FLANNERY.
Clerk.

J. W. RICHARDSON,
Mayor.

SCHEDULE B.

Debenture No.	Principal.	Interest.	Date due.
1.....	.....	.....	.....
2.....	\$1,587 73	\$ 79 39.....	March 31st, 1904
3.....	1,667 12.....	83 35.....	" " 1904
		83 35.....	" " 1905
4.....	1,750 47.....	87 52.....	" " 1904
		87 52.....	" " 1905
		87 52.....	" " 1906
5.....	1,838 60.....	91 90.....	" " 1904
		91 90.....	" " 1905
		91 90.....	" " 1906
		91 90.....	" " 1907
6.....	1,929 90.....	96 49.....	" " 1904
		96 49.....	" " 1905
		96 49.....	" " 1906
		96 49.....	" " 1907
		96 49.....	" " 1908
7.....	2,026 39.....	101 32.....	" " 1904
		101 32.....	" " 1905
		101 32.....	" " 1906
		101 32.....	" " 1907
		101 32.....	" " 1908
		101 32.....	" " 1909
8.....	2,127 71.....	106 39.....	" " 1904
		106 39.....	" " 1905
		106 39.....	" " 1906

106 39

			106 39.....	March	31st,	1907
			106 39.....	"	"	1908
			106 39.....	"	"	1909
			106 39.....	"	"	1910
9.....	2,234	10.....	111 70.....	"	"	1904
			111 70.....	"	"	1905
			111 70.....	"	"	1906
			111 70.....	"	"	1907
			111 70.....	"	"	1908
			111 70.....	"	"	1909
			111 70.....	"	"	1910
			111 70.....	"	"	1911
10.....	2,345	80.....	117 29.....	"	"	1904
			117 29.....	"	"	1905
			117 29.....	"	"	1906
			117 29.....	"	"	1907
			117 29.....	"	"	1908
			117 29.....	"	"	1909
			117 29.....	"	"	1910
			117 29.....	"	"	1911
			117 29.....	"	"	1912
11.....	2,463	09.....	123 15.....	"	"	1904
			123 15.....	"	"	1905
			123 15.....	"	"	1906
			123 15.....	"	"	1907
			123 15.....	"	"	1908
			123 15.....	"	"	1909
			123 15.....	"	"	1910
			123 15.....	"	"	1911
			123 15.....	"	"	1912
			123 15.....	"	"	1913
12.....	2,586	25.....	129 31.....	"	"	1904
			129 31.....	"	"	1905
			129 31.....	"	"	1906
			129 31.....	"	"	1907
			129 31.....	"	"	1908
			129 31.....	"	"	1909
			129 31.....	"	"	1910
			129 31.....	"	"	1911
			129 31.....	"	"	1912
			129 31.....	"	"	1913
			129 31.....	"	"	1914
13.....	2,715.56.....		135 78.....	"	"	1904
			135 78.....	"	"	1905
			135 78.....	"	"	1906
			135 78.....	"	"	1907
			135 78.....	"	"	1908
			135 78.....	"	"	1909
			135 78.....	"	"	1910
			135 78.....	"	"	1911
			135 78.....	"	"	1912
			135 78.....	"	"	1913
			135 78.....	"	"	1914
			135 78.....	"	"	1915
14.....	2,851	34.....	142 57.....	"	"	1904
			142 57.....	"	"	1905
			142 57.....	"	"	1906
			142 57.....	"	"	1907
			142 57.....	"	"	1908
			142 57.....	"	"	1909
			142 57.....	"	"	1910
			142 57.....	"	"	1911
			142 57.....	"	"	1912
			142 57.....	"	"	1913
			142 57.....	"	"	1914

	142 57.....	March	31st,	1915
	142 57.....	"	"	1916
15.....	2,993 91.....	149 70.....	"	1904
		149 70.....	"	1905
		149 70.....	"	1906
		149 70.....	"	1907
		149 70.....	"	1908
		149 70.....	"	1909
		149 70.....	"	1910
		149 70.....	"	1911
		149 70.....	"	1912
		149 70.....	"	1913
		149 70.....	"	1914
		149 70.....	"	1915
		149 70.....	"	1916
		149 70.....	"	1917
16.....	3,143 60.....	157 18.....	"	1904
		157 18.....	"	1905
		157 18.....	"	1906
		157 18.....	"	1907
		157 18.....	"	1908
		157 18.....	"	1909
		157 18.....	"	1910
		157 18.....	"	1911
		157 18.....	"	1912
		157 18.....	"	1913
		157 18.....	"	1914
		157 18.....	"	1915
		157 18.....	"	1916
		157 18.....	"	1917
		157 18.....	"	1918
17.....	3,300 78.....	165 04.....	"	1904
		165 04.....	"	1905
		165 04.....	"	1906
		165 04.....	"	1907
		165 04.....	"	1908
		165 04.....	"	1909
		165 04.....	"	1910
		165 04.....	"	1911
		165 04.....	"	1912
		165 04.....	"	1913
		165 04.....	"	1914
		165 04.....	"	1915
		165 04.....	"	1916
		165 04.....	"	1917
		165 04.....	"	1918
		165 04.....	"	1919
18.....	3,465 82.....	173 39.....	"	1904
		173 39.....	"	1905
		173 39.....	"	1906
		173 39.....	"	1907
		173 39.....	"	1908
		173 39.....	"	1909
		173 39.....	"	1910
		173 39.....	"	1911
		173 39.....	"	1912
		173 39.....	"	1913
		173 39.....	"	1914
		173 39.....	"	1915
		173 39.....	"	1916
		173 39.....	"	1917
		173 39.....	"	1918
		173 39.....	"	1919
		173 39.....	"	1919

19	.....	3,639 11	.....	181 96	.....	March	31st,	1904
				181 96	.....	"	"	1905
				181 96	.....	"	"	1906
				181 96	.....	"	"	1907
				181 96	.....	"	"	1908
				181 96	.....	"	"	1909
				181 96	.....	"	"	1910
				181 96	.....	"	"	1911
				181 96	.....	"	"	1912
				181 96	.....	"	"	1913
				181 96	.....	"	"	1914
				181 96	.....	"	"	1915
				181 96	.....	"	"	1916
				181 96	.....	"	"	1917
				181 96	.....	"	"	1918
				181 96	.....	"	"	1919
				181 96	.....	"	"	1920
				181 96	.....	"	"	1921
20	.....	3,821 07	.....	191 05	.....	"	"	1904
				191 05	.....	"	"	1905
				191 05	.....	"	"	1906
				191 05	.....	"	"	1907
				191 05	.....	"	"	1908
				191 05	.....	"	"	1909
				191 05	.....	"	"	1910
				191 05	.....	"	"	1911
				191 05	.....	"	"	1912
				191 05	.....	"	"	1913
				191 05	.....	"	"	1914
				191 05	.....	"	"	1915
				191 05	.....	"	"	1916
				191 05	.....	"	"	1917
				191 05	.....	"	"	1918
				191 05	.....	"	"	1919
				191 05	.....	"	"	1920
				191 05	.....	"	"	1921
				191 05	.....	"	"	1922

CHAPTER 55.

An Act respecting the Construction of Local Improvements in the Town of North Toronto.

Assented to 26th April 1904.

WHEREAS the Municipal Corporation of the Town of ^{Preamble.} North Toronto has by petition set forth that in accordance with By-law No. 76 of the said town as confirmed by Chapter 78 of the Acts passed in the 55th year of the reign of Her late Majesty, Queen Victoria, the cost of water mains laid down within the said Town as local improvements is to be raised by a tax of two and one-half cents per foot frontage on the lands fronting and abutting upon each side of the streets upon which such mains shall be laid ; and whereas the said corporation has further stated that upon certain streets in the said town a strip of land has been reserved upon the registered plans between the highway and the adjacent lots and parcels of lands fronting thereon ; and whereas the said corporation has by the said petition further represented that it is necessary and expedient and of advantage to the said corporation that the said corporation should be enabled to construct local improvements upon the said streets set forth in the Schedule annexed to the said petition within the limits therein specified and to assess the costs of such local improvements upon the said reservations and adjoining lands by a frontage tax ; and whereas it appears that the owners of such adjoining lands are desirous that the prayer of the said petition should be granted ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The lands comprised in any strip of lands or reservation described in the Schedule to this Act and the building lots or other lands separated from a street or lane by such strip or reservation shall be liable to assessment for the cost of any improvement, work or service to be undertaken by the council of the Town of North Toronto, upon any such street or lane, under the sections of *The Consolidated Municipal Act*, 1903, relating to local improvements, and shall be assessed ^{Lands reserved at sides of streets and lots adjoining may be assessed for local improvements.} ^{3 Edw. vii., c. 19.} therefor in the manner hereinafter mentioned.

Where lands
in reservation
and adjoining
lots are assess-
ed in name of
same owner.

2. In case any portion of such strip or reservation liable to assessment for local improvements, and the lands adjoining such strip or reservation and fronting thereon and separated thereby from the street or lane, are assessed in the name of the same owner, the frontage rate shall be assessed and levied as if such portion of the said strip or reservation, and the lands fronting thereon were one lot or parcel of land fronting on the street or lane.

Where lands
in reservation
and adjoining
lots are assess-
ed in the
names of dif-
ferent owners

3. In case any portion of any such strip or reservation and the lot or parcel of land fronting thereon, are assessed in the name of different owners, the assessment and the frontage rate to be levied thereon shall be apportioned between such portion of the strip or reservation, and the lot or parcel of land fronting thereon according to the benefit respectively derived by such portion of the strip or reservation and such lot or parcel of land from the improvement, work or service for which the assessment is made.

Right of ad-
joining owner
to lay pipes,
etc., in reser-
vation.

4. The owner or occupant of any lot or parcel of land fronting upon any portion of a street or lane mentioned in the said schedule and separated from the street or lane by any such strip or reservation may from time to time, for the purpose of connecting such lot or parcel of land with any water main or sewer or drains laid by the Corporation of the Town of North Toronto in the street or lane, or for the purpose of maintaining or repairing any such connection, enter upon the intervening lands forming part of any such strip or reservation, and may pass through and over the same and may dig up and excavate the same and lay down all necessary pipes and drains therein, but such owner or occupant shall do no unnecessary damage to the land in such strip or reservation and shall after laying any such pipe or drain or making repairs restore the surface of such land to its former condition.

Rate of tax-
ation of cer-
tain lands of
H. T. Law-
rence.

5. The lands now owned by Henry T. Lawrence, consisting of twenty-five acres, more or less, being lots Nos. 43, 44 and 46, as shown on registered plan No. 284, so long as the said lands remain undivided and are used for farming or market garden purposes only, shall be annually assessed at such a sum per acre that the total annual taxes on the said lands, including the frontage rate for the sidewalk now existing on Balliol Street, and the frontage rate for a proposed watermain on the said street shall not exceed the sum of \$3.12 per acre, computed on a basis of $17\frac{1}{2}$ mills on the dollar in any year. Provided that in the event of the general rate in any year exceeding $17\frac{1}{2}$ mills in the dollar, the said lands shall be chargeable with their proper proportion of such excess for such year, and such excess shall be added to and shall be collected in the same way as the said sum of \$3.12 per acre.

6. Nothing in this Act contained shall be taken or deemed to authorize the council of the Town of North Toronto to impose any greater frontage rate for the laying of water mains on the portions of streets mentioned in the said schedule than the rate fixed by By-law No. 76 of the Corporation of the said Town of North Toronto as confirmed by Chapter 78 of the Acts passed in the 55th year of the reign of Her late Majesty Queen Victoria; and, save as in this Act specially provided, all the provisions of *The Consolidated Municipal Act*, 1903, with respect to any improvement, work or service to be constructed as a local improvement in a town shall apply to local improvements in the Town of North Toronto and the assessment therefor.

Limit of
rate of water
mains not
affected.

³ Edw. vii.
c. 19.

SCHEDULE.

Balliol Street.

1. A strip of land one foot in width reserved along the north side of Balliol Street from the easterly limit of a plan registered in the Registry Office for the County of York as Plan Number 799 easterly to the westerly limit of a plan filed in the Office of Land Titles at Toronto as No. M. 116 excepting therefrom the portion of said strip fronting or abutting on plan filed in the said Office of Land Titles at Toronto as Plan M. 130.

Smith Avenue.

2. A strip of land one foot in width reserved along the north side of Smith Avenue from the westerly limit of Yonge Street a distance of two hundred and thirty-five feet westerly marked Lot "A" on plan registered in the Registry Office for the County of York as Plan 702, and also a strip of land one foot in width reserved along the south side of Smith Avenue a distance of two hundred and thirty-five feet westerly from the west limit of Yonge Street and marked Lot "B" on said Plan 702, and also a strip of land two feet in width reserved across the westerly limit of Smith Avenue marked Lot "C" on said Plan 702.

Hawthorne Avenue.

3. A strip of land one foot in width reserved along the south side of Hawthorne Avenue running westerly from the west limit of Yonge Street a distance of four hundred and thirty feet six inches and thence southerly along Hawthorne Avenue ninety-four feet eight and one-half inches more or less.

Glengrove Avenue.

4. A strip of land three feet in width reserved along the north side of Glengrove Avenue running westerly from the west limit of Yonge Street to the easterly limit of Heather Street.

Glencairn Avenue.

5. A strip of land four feet more or less in width reserved along the north side of Glencairn Avenue running westerly from the west limit of Yonge Street a distance of two hundred and sixty-six feet six inches.

College View Lane.

6. A strip of land one foot in width reserved along the south side of College View Lane running the full length of said lane, as shown on a plan registered in the Registry Office for the County of York as Plan Number 968.

CHAPTER 56.

An Act respecting the Town of Orillia.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Municipal Corporation of the Town of Orillia has by petition represented that under and by virtue of the provisions of Chapter 64 of the Acts passed in the 62nd year of the reign of Her late Majesty Queen Victoria, the said Corporation has caused to be erected, constructed and installed machinery, works, erections and plant for the purpose of generating and transmitting electrical energy from a certain water power at the Ragged Rapids on the Severn River in the Township of Matchedash in the County of Simcoe; and whereas the said municipal corporation has further represented that by virtue of the provisions of an Act passed in the 2nd year of the reign of His Majesty King Edward the Seventh and chaptered 53, the said municipal corporation was, amongst other things, authorized to pay the contractors of the works in question all moneys to which the said contractors might be found lawfully entitled, and should be liable to pay the same, and for such purpose the said corporation was authorized to issue debentures without submitting any by-law to the vote of the qualified rate-payers of the said town; and whereas some doubts have arisen as to the true meaning of the provisions of said last mentioned Act and as to the power and authority conferred upon said municipal corporation thereby;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

2 Edw VII.
c. 53. s. 1,
sub-sec. 2
amended.

Issuing de-
bentures for
payment of
contractors.

1. Subsection 2 of section 1 of the said Act passed in the 2nd year of the reign of His Majesty King Edward the Seventh, intituled *An Act respecting the Town of Orillia* and chaptered 53 is hereby amended by striking out all the words from and including the word "without" in the sixth line thereof and substituting therefor the words following, that is to say:—"as well as for the purpose of paying any costs, charges or expenses incurred in ascertaining and settling the amount found due said contractors without submitting any

any by-laws for any such purpose to the vote of the qualified ratepayers of the said town and the debentures so to be issued are for moneys in addition to the sums to be raised under section 1 hereof."

2. The said section 1 is further amended by adding thereto <sup>2 Edw. VII.
c. 53, sec. 1
amended.</sup> the following sub-sections :—

(3) The said debentures to be issued under the last preceding sub-section shall be in sums of not less than one hundred dollars each and shall be made payable not more than thirty years from the day on which they respectively bear date and may be in form in Schedule A hereto set forth and shall bear interest at a rate not exceeding four per cent per annum payable half yearly and shall be signed by the Mayor and Treasurer of the said corporation for the time being and may be made payable either in sterling currency in Great Britain, in this Province or elsewhere as the council of the said corporation shall deem expedient. <sup>Form of
debentures.</sup>

(4) No irregularity in form of the debentures to be issued under any by-law passed in pursuance of the power and authority of sub-section 2 hereof shall render the same illegal or be allowed as a defence to any action that may be brought against the said corporation for the recovery of the said debentures or interest or any part thereof. <sup>Informalities
not to
invalidate.</sup>

CHAPTER 57.

An Act to consolidate the Floating Debt of the Township of Osnabruck.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Municipal Corporation of the Township of Osnabruck has by its petition represented that the said corporation has incurred a floating debt of about \$8,000, the said debt having arisen partly from the construction of roads and bridges in the said Township of Osnabruck; and whereas it has been made to appear that the members of the council of the said corporation are unanimously in favour of the consolidation of the said debt; and whereas the said corporation by its said petition has prayed that the said floating debt may be consolidated and that the said corporation may issue debentures for the amount thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debt consolidated and debentures for \$8,000 authorized.

1. The said floating debt of the said Corporation of the Township of Osnabruck is consolidated at the sum of \$8,000, and it shall and may be lawful for the said corporation to raise by way of loan on the credit of the debentures to be issued under the authority of this Act from any person or persons or body corporate the said sum of \$8,000.

Issue of debentures.

2. It shall be lawful for the said corporation to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and counter-signed by the treasurer for the time being, in such sums, not less than \$100, and not exceeding in the aggregate \$8,000, and payable at such places as the corporation may deem expedient.

Payment of debentures and interest.

3. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding fifteen years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest

interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Coupons shall be attached to the said debentures for the payment of interest thereon and the said interest shall be payable at such rate not exceeding four and one-half per cent. per annum as the said corporation shall direct and shall be payable yearly.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation to the redemption of the said floating debt of \$8,000 and in no other manner and for no other purpose whatsoever.

5. It shall not be necessary to obtain the assent of the electors of the Township of Osnabruck to the passing of any by-law or by-laws which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*; and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act.

6. No irregularity in the form of the said debentures or any of them or of any by-law authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the proceeds thereof.

7. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and interest thereon be fully paid and satisfied.

8. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect to the debentures authorized to be issued under this Act, to be called "The Consolidated Debenture Rate;" and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

9. It shall be the duty of the treasurer, for the time being, of the said township to keep, and it shall be the duty of each of the members from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number

Treasurer to
keep proper
books of
account.

number of debentures which from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said township, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

Indebtedness
of township
not discharged.

10. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Township of Osnabruck from any indebtedness or liability which may not be included in the said debt of the said Township of Osnabruck.

Form of
debentures.

11. The debentures issued under this Act may be in the form contained in Schedule A to this Act and the by-law or by-laws authorizing the same may be in the form of Schedule B to this Act.

Short title.

12. This Act may be cited as "*The Township of Osnabruck Debenture Act, 1904.*"

SCHEDULE A.

(Section 11.)

Debenture.

Province of Ontario, Township of Osnabruck.

No.

\$

Under and by virtue of The Township of Osnabruck Debenture Act, 1904, and Bylaw No. _____ of the Corporation of the Township of Osnabruck passed under the provisions contained in the said Act, the Corporation of the said Township of Osnabruck promises to pay the bearer at _____ in the _____ day of _____ the sum of _____ on the _____ day of _____ and the yearly coupons hereto attached. as the same shall severally become due.

Dated at the Township of Osnabruck in the County of Stormont, this day of _____ A.D.

Clerk.

SCHEDULE

SCHEDELE B.

(Section 11.)

By-Law No. To Authorize the Issue of Debentures Under the Authority of the Township of Osnabruck Debenture Act, 1904.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned not exceeding \$8,000 in the whole as the Corporation of the Township of Osnabruck may in pursuance of, and in conformity with the provisions of the said Act direct.

And whereas for the purposes of the said Act it is necessary and expedient to issue debentures to the extent of \$8,000 payable in years from the date thereof with interest thereon at the rate of per cent. per annum payable yearly according to the coupons attached to the said debentures.

And whereas the amount of the whole rateable property of the said Township of Osnabruck according to the last revised assessment roll of the said township being for the year was \$

Therefore the Municipal Corporation of the Township of Osnabruck enacts as follows:—

(1) Debentures under the said Act, and for the purposes mentioned therein to the extent of \$8,000 are hereby authorized and directed to be issued.

(2) The said debentures shall have coupons attached thereto for the payment of interest at the rate of per centum per annum payable yearly on the day of in each year.

This by-law passed in open council this day of in the year of our Lord, 190 .

CHAPTER 58.

An Act respecting the City of Ottawa.

Assented to 26th April, 1904

Preamble.

WHEREAS the Corporation of the City of Ottawa has by petition prayed that the boundaries of the said City as established by the Act passed in the 51st year of the reign of Her late Majesty Queen Victoria, chapter 53, may be changed so that the boundary line between the said City and the Village of Hintonburgh shall run along the centre respectively of Fourth Avenue and Cedar Street instead of along the Westerly and Northerly sides respectively of the said Avenue and Street as at present whereby the Westerly and Southerly sides of the said Avenue and Street respectively will be wholly within the said Village of Hintonburgh ; and whereas it appears that the said change is desired by the Corporation of the Village of Hintonburgh ; and whereas the said Corporation of the City of Ottawa has by the said petition further prayed that the said Corporation may be authorized to provide by by-law at the expense of the general funds of the Municipality one-third of the cost of paving as a local improvement any of the streets of the City of Ottawa or any portion thereof with tar macadam or other similar composition ; and whereas the said Corporation has by the said petition further prayed that certain by-laws of the said Corporation numbered respectively 2,329 and 2,336, may be validated and confirmed ; and whereas the moneys raised or to be raised under the said by-laws have already been expended in carrying to completion the construction of large municipal drainage works, the original expenditure in connection with which has heretofore been approved of by the ratepayers ; and whereas the said Corporation has by the said petition represented that the sum of money authorized to be raised by the Act passed in the 3rd year of His Majesty's reign, chaptered 72, to provide for the cost of the erection of a building for the accommodation of the Dominion Live Stock and Eastern Ontario Poultry Association suitable for the holding of an Annual Fat Stock and Poultry Exhibition has been found insufficient therefor ; that the said building while in course of construction accidentally collapsed, necessitating a large additional expenditure for its re-erection ; and that Lansdowne Park, in the said City of Ottawa, owing to the increased

increased accommodation required by the Central Canada Exhibition Association for the holding of its annual exhibition, has become insufficient in extent ; and the said Corporation of the City of Ottawa has prayed that the said Corporation may be empowered to raise by a special issue of debentures the sum of \$25,000 to provide for the cost of the erection and completion of the said building and of acquiring land for the enlargement of the said Park ; and whereas the said Corporation has by its said petition also represented that owing to the inadequate size of the Police Station in the said City of Ottawa the said Corporation is unable to comply with the law which requires that suitable premises entirely distinct and separated from the ordinary Police Court, and lock-up or police cells shall be provided for the trial and detention before trial of juvenile offenders, and has prayed that it may be empowered to raise by a special issue of debentures the sum of \$15,000 to provide for the cost of enlarging the said Police Station so as to enable the said Corporation to comply with the law in the above mentioned respect ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 1 of the Act passed in the 51st year of the reign of Her late Majesty Queen Victoria, chapter 51, intituled

^{51 V., c. 51, s. 1,}
amended.

An Act to extend the limits of the City of Ottawa and to rearrange the Wards thereof and for other purposes, is amended by inserting the words "the centre line of" after the words "Richmond Road to" in the 13th line and by substituting the words "centre line" for the words "westerly boundary" where the same occur in the 14th line ; and by inserting the words "the centre line of" after the word "to" in the 15th line and by inserting after the word "along" in the 15th line the words "the centre line of."

<sup>Changing
limits of city.</sup>

2. Section 1 of the Act passed in the 60th year of the reign of Her late Majesty, Queen Victoria, chapter 71, intituled, *An Act respecting Local Improvements in the City of Ottawa and for other purposes* is amended by inserting the words "or tar macadam or other like composition" after the word "brick" in the 6th line of the said section.

^{60 V., c. 71, s. 1,}
amended.

Permanent
pavements.

3. By law No. 2,329 of the Corporation of the City of Ottawa, intituled "Being a by-law to provide for borrowing money by the issue of debentures secured by local special rates on the property fronting or abutting on the respective streets or portions thereof hereinafter named and on property other than that fronting or abutting on the said respective streets hereinafter described for the construction of sewers in the said respective streets or portions thereof (known

By-laws 2,329
(drainage
system) and
2,336 (local
improvements)
confirmed.

(known as the Glebe Drainage System) which by-law is set out in Schedule A to this Act and By-law No. 2,336 of the said Corporation intituled "Being a by-law to provide for the issue of debentures to the amount of \$42,666.61 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," which by-law is set out in Schedule B to this Act and all debentures issued and to be issued under the said by-laws or either of them, and all assessments made or to be made and all rates levied or to be levied under the said by-laws or either of them for the payment of the said debentures are confirmed and declared to be legal, valid and binding upon the Corporation of the City of Ottawa and the ratepayers thereof anything in any general or special Act of the Legislature to the contrary notwithstanding.

Borrowing to complete exhibition buildings and enlarge Lansdowne Park.

4. The municipal council of the City of Ottawa may pass by-laws to provide the necessary moneys not exceeding \$25,000, for the re-erection and completion of the building now in course of construction for the accommodation of the Dominion Live Stock and Eastern Ontario Poultry Associations, and for the use of the said building for the holding of an annual Fat Stock and Poultry Exhibition, and for acquiring such land by expropriation or otherwise as the said council may deem advisable for the enlarging of Lansdowne Park; and the said council may by by-law provide for the issue of debentures payable within thirty years from the date thereof and bearing interest at such rate as the council may determine for the purposes in this section set forth.

Addition of police station for detention of juvenile offenders.

5. The said council may by by-law provide for the construction of an addition to the Police Station in the said City of Ottawa to afford separate accommodation for the trial and detention before trial of juvenile offenders, and for the issue of debentures payable in thirty years from the date thereof not exceeding in the whole the sum of \$15,000 for such purposes.

Application of
3 Edw. VII.,
c. 19.

Assent of electors not required.

Powers under
secs. 4 and 5,
when to be
exercised.

6. The provisions of *The Consolidated Municipal Act, 1903*, with reference to by-laws for the creation of debts, the issue of debentures and the levying of a special rate for the payment thereof shall apply to the debentures to be issued under sections 4 and 5 of this Act; provided that it shall not be necessary to submit any by-law passed under either of the said sections to the electors of the City of Ottawa, nor to obtain the assent of the said electors thereto before the final passing thereof.

7. Any by-law passed under sections 4 and 5 of this Act shall be finally passed before the expiration of one year from the passing of this Act, and such of the powers conferred by the said sections as are not exercised within the said period shall lapse.

SCHEDULE A.

By-Law No. 2,329.

Being a By-law to provide for borrowing money by the issue of debentures secured by local special rates on the property fronting or abutting on the respective streets or portions thereof hereinafter named and on the property other than that fronting or abutting on the said respective streets hereinafter described, for the construction of sewers in the said respective streets or portions thereof, (known as "The Glebe Drainage System.)"

Passed 2nd November, 1903.

Whereas the Medical Health Officer, and the Local Board of Health of the City of Ottawa, have recommended that it is desirable and necessary in the public interest that sewers be constructed in the respective streets or portions of streets respectively hereinafter named, for the purposes of draining the localities comprising the City lots hereinafter described for sanitary or drainage purposes as Local Improvements.

And whereas, the Council of the Corporation of the City of Ottawa, at a regular meeting thereof, upon the reports of the City Engineer and Board of Works, adopted the said recommendations and affirmed by a vote of more than two-thirds of all the members of the said Council, that it was desirable and necessary in the public interest to construct the said sewers in the respective streets or portions thereof hereinafter named, that is to say:—

In Jane, Hickey, Mutchmor, Thornton, John, Centre, Ella, Percy, Elgin, Metcalfe, O'Connor, Bank, Mary, Adelaide, James, Ann, Monk, Ralph, William and Craig Streets, Patterson, Monkland, First, Second, Third and Fourth Avenues, Alexander Lane and in Glebe Reserve between lots "G" and "H."

And whereas it has been ascertained and determined that the real property respectively fronting or abutting upon the said respective streets described as follows, that is to say:—

The west part of block 3 and block 2 on First Avenue north; north half of the west part of block 3 and the north half of block 7 on First Avenue south; south half of block 8 and south half of block 7 on Second Avenue north; north half of the west part of block 13 and north half of block 12 on Second Avenue south; lots 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and the south half of block 12 on Third Avenue north; lots 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68 and 69 on Third Avenue south; lots 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68 and 69 on Fourth avenue north; lots 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and south half of east 760 feet of block 21 on Mutchmor street north; lots 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1, 38, 39, 19, 18, 17, 16, 15, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 30, 31, 19 and 18 on Mutchmor street south; lots 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 and 85 on Thornton street north; lots 35, 36, 37, 38, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65 and 67 on Thornton street south; lots 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66 and 68 on John street north; lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 on John street south; lots 9, 8, 7, 6, 5 and 4 on Ella street north; lots 4 and 9 on Ella street south; lots 3 and 10 on Percy street north; lots 2 and 11 Percy street south; lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 1, 2, 3, 4, 5, 6, 7, 8 and 1 on Centre street north; lots 12, east 248 feet II West 82 feet of north 96 feet of II, east 97 feet 6 inches of lot 10, lots 9, 8, 7, 6, 5, 4, 3, 2 and 1 on Centre street south; part of lots "G" on west side of Bank street and bounded on the east side by Bank street, on the south by Clemow property, on the west by Thos. Hickey property and on the north by street line of

of Isabella street; part of lot "G" bounded on the east by Bank street, on the west and south by Patterson's Creek and on the north by James Hickey property; part of lot "G" bounded on the east by Bank street, on the south by Glebe Reserve, on the north by James and Thomas Hickey properties, and on the west by the centre line of Percy street produced; lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 1, 2, 3, 4, 5, 6, 7, west 152 feet of lot 24 and west 152 feet of lot 17 on Bank street west; lots 8, 9, 10 and 11 on Monk street east; lots 37, 36, 35, 34, 33 and 32 on east side of Ralph street; lots 21, 23, 25, 27, 29 and 31 on William street east; lots 20, 22, 24, 26, 28 and 30 on William street west; lots 14, 13, 12, 11, 10 and 9 on Craig street east.

Lots 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1 and east third of lane on Jane street north; lot A, part of lot 'G, Ottawa Amateur Athletic Association Grounds, centre part of lot "G" between Fire Station property and lots 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1 and one-third of lane on Jane street south; lots 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, H, F, E, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1 and one-third of lane on Hickey street north; lots 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, D, C, B, A, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2 and 1 on Hickey street south; lots 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, part G, west of lot 10 on Patterson Avenue south; part 'G Clemow property bounded on the east by H. C. Monk property, on the west by Slinn property, on the north by Patterson Avenue, on the south by Patterson's Creek, part G west of 'Clemow property, part G east of Bank street, part G south of Patterson Avenue, front on Patterson Avenue south; lots 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11 and 10 on Monkland Avenue north; part of lot G, bounded on the east by Elgin street, on the west by Clemow property, on the north by Monkland Avenue, on the south by Patterson's Creek, fronting on Monkland Avenue south; lots 29 and 28 on Isabella street south; lots A, B, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and north half of block 4 on First Avenue north; lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 on First Avenue south; lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 on Second Avenue north; lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 on Second Avenue south; lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 on Third Avenue north; lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 on Third Avenue south; lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 on Fourth Avenue north; lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 on Fourth Avenue south; lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 on Mutchmor street north; part of lot 26, 25, 10, 11, 12, 13, 14, 15, 16, 17 and east half of lot 17 on Mutchmor street south; lots 28, 22, 23 and east half of lot 24 on Centre street north; lots 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1 north east part of lot 18, west part of lot '18 and east half of lot 17 on Centre street south, lot 39 Lansdowne Avenue north; part of lot G on Elgin street east bounded on the east by Government lands, on the west by Elgin street; on the north by Isabella street, and on the south by Jane street produced, Government Reserve between Baxter's property and Patterson's Creek, Government Reserve between First Avenue and Mutchmor street; the east 99 feet of lot G east of block A, lots 20, 21, 22, 23, 24, 30, 31, 32, 33, C, D, E, F, G, H, J, K, L, M, N, O, P, Q, R and S on Elgin street west; lots 20, 21, 22, 23, 24 and 25 on Metcalfe street east; lot 3 Metcalfe street west; lots 1, 2, 3 and one-third of lane, 4, and one-third of lane, 5, and one-third of lane, 6, and one-third of lane, 7, and one-third of lane, 8, and one-third of lane, 9, 10, part of lot G, bounded on the east by O'Conor street produced, on the west by Bank street, on the north by Patterson's

son's Creek, on the south by Glebe Lane 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 on Bank street east; lots 9, 8, 7, 6, 5, 4, 3, 2, 1 and 17 on Mary street west; lots 9, 8, 7, 6, 5, 4, 3, 2 and 1 on Adelaide street east; lots 9, 8, 7, 6, 5, 4, 3, 2, 1 on Adelaide street west; lots 1, 2, 3, 4, 5 and 6 on Ann street east; lots 7, 8, 9, 10 and 11 on James street east; lots 1, 2, 3, 4, 5 and 6 on James street west; producing, after deducting the number of feet for street intersections and exempt properties as shown by the report of the City Engineer, 69,125 feet more or less of assessable property on the streets aforesaid, is immediately, directly, equally and specially benefited by the said improvements.

And whereas in order to afford an outlet for the sewerage and drainage of the real property other than that respectively fronting or abutting upon any of the respective streets hereinbefore mentioned upon which the said sewers have been constructed, certain of said sewers have been constructed of a larger capacity than that required for the efficient sewerage and drainage of the said real property respectively fronting or abutting upon the said respective streets.

And whereas it has been ascertained and determined that the property other than that respectively fronting or abutting upon any of the said respective streets described as follows, that is to say:—

1. Part of lot G bounded on the east by the land of Andrew Hickey, on the west by the lands of J. & A. Hickey, on the south by Patterson Avenue and on the north by Jane street, containing 2.21 acres.

2. Part of lot G bounded on the east by H. C. Monk property, on the west by the Slinn property, on the north by Patterson Avenue and on the south by Patterson's Creek, containing 2.68 acres.

3. Part of block A bounded on the east by the east 100 feet west of Elgin street west, on the west by the Clemow property, on the north by the H. C. Monk property and on the south by Patterson's Creek, containing 3.20 acres.

4. Lot 18 on Mutchmor street south, containing 1.21 acres.

5. Lot 22 on Centre street north, containing 1.74 acres.

6. Lot 23 on Centre street north, containing 1.74 acres.

7. Part of lot G bounded on the east by O'Connor street produced, on the west by Bank street, on the north by Patterson's Creek and on the south by Glebe Lane, containing 0.95 acres.

8. Lot 12 on Centre street south, containing 1.21 acres.

9. Lot 11 on Centre street south, containing 1.74 acres.

10. Part of lot G bounded on the east by Bank street, on the south by the Glebe Reserve, on the north by J. Hickey property, and on the west by Centre line of Percy street produced, containing 21.79 acres.

11. Part of lot G bounded on the east by Bank street, on the south by the Clemow property, on the west by the Thomas Hickey property and on the north by Isabella street, containing 15.67 acres, is equally and specially benefited by the said improvement.

And whereas owing to the position and condition of the said property benefited by the construction of certain of the said sewers but not fronting or abutting on any of the said respective streets in which the same have been constructed, a proportion of the cost of the construction of the said sewers cannot be assessed against the said real property by a frontage rate and it has been determined to assess a proportion of the said cost against the said real property by an acreage rate.

And whereas the said real property benefited by the construction of certain of the said sewers but not fronting or abutting on any of the said respective streets contains as shewn by the Report of the City Engineer 54.14 acres more or less of assessable property.

And whereas the total assessed value of the said real property fronting or abutting respectively on the said respective streets is \$914,245.

And whereas the total assessed value of the real property benefited by the

the construction of certain of the said sewers but not fronting or abutting on any of the said streets is \$63,950.

1. And whereas the said sewers have been constructed and the total cost thereof is \$83,530.10 of which amount the City disburses the sum of \$19,231.52 being the cost of those portions thereof opposite the said street intersections and exempt properties and flankage and the remaining sum of \$64,298.58 is to be defrayed by the ratepayers as their share of the cost of the said works, and the total amount of the said respective sums is the amount of the debt to be created by this by-law.

2. And whereas it has been determined that of the said sum of \$64,298.58 to be defrayed by the ratepayers as aforesaid the sum of \$62,593.20 part thereof shall be assessed and charged against the said real property fronting or abutting respectively on the said respective streets, as the proportion or share of the cost of the said works to be borne by the said real property by a frontage rate and that the sum of \$1,705.38 the remainder thereof shall be assessed and charged against the said real property benefited by the construction of certain of the said sewers but not fronting or abutting on any of the said respective streets as the share or proportion of the cost of the said works to be borne by the said real property by an acreage rate.

And whereas it will require the sum of \$2,571.95 to be raised annually for the period of 20 years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of \$2,411.20 to be raised annually during the said period for the payment of the debt to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of \$4,983.15 to be raised annually as aforesaid;

And whereas there are 69.125 feet frontage of said assessable real property fronting or abutting respectively on the said respective streets and sides thereof according to the respective descriptions, immediately, directly, equally and specially benefited by the said improvements and works and 411 acres of said assessable real property benefited by the construction of certain of the said sewers but not fronting or abutting on any of the said respective streets according to respective descriptions equally and specially benefited by the said improvements and works.

4. And whereas it will be required to charge, against the said real property fronting or abutting respectively on the said respective streets an annual special rate per foot and against the said real property benefited by the construction of certain of the said sewers but not fronting or abutting on any of the said respective streets an annual special rate per acre sufficient together to pay the interest and create an annual sinking fund for paying the principal debt within the number of years aforesaid which said debt is created on the security of the special rates settled by this by-law and further guaranteed by the said municipality at large.

5. And whereas it is expedient to raise the said sum of \$64,298.58 by debentures of the Corporation of the City of Ottawa to defray that part of the expenses of the said works payable by local special rates.

Therefore, the Municipal Council of the Corporation of the City of Ottawa, enacts as follows:

1. During twenty years \$2,571.95 shall be raised for interest and \$2,411.20 for debt, making together \$4,983.15.

A special rate of 7 1-10 cents per foot is imposed on each foot of aforesaid described property, fronting or abutting respectively on the said respective street to produce \$4,850.98 and a special rate of \$2.45 per acre is imposed on each acre of aforesaid described property benefited by the construction of certain of the said sewers but not fronting or abutting on any of the said respective streets to produce \$132.17 and the said special rates shall be collected by the collector of taxes as other rates.

3. During 20 years commencing with 1904 all of the above described properties shall be exempt from general rates for like improvements.

4. \$64,298.58 shall be raised by loan on above special rates and debentures therefor shall be issued and dated 1st September, 1903.

5. Debentures shall be payable 20 years after issue and shall bear four per cent. interest.

6. Debentures may be made payable anywhere in any currency and proceeds thereof shall be used in paying off loans for work (if any).

7. Owners of property respectively fronting or abutting on the said respective streets may commute assessment by paying 94½ cents per foot and owners of property benefited by the construction of certain of the said sewers but not fronting or abutting on any of the said streets may commute assessment by paying \$32.76 per acre in first year and proportionately reduced rates for the years collected.

8. Moneys received from special rates or commutation shall be invested.

9. Debentures shall contain provision of section 434 of the Consolidated Municipal Act 1897.

10. Debentures shall be subject to consolidation.

11. This by-law to take effect now.

Given under the Corporate Seal of the City of Ottawa this 2nd day of November, 1903.

Certified,

(Sgd.) JOHN HENDERSON,
City Clerk.

(Sgd.) FRED COOK,
Mayor.

SCHEDULE B.

By-Law No. 2,336.

Being a by-law to provide for the issue of debentures to the amount of \$42,666.61, to assist in the construction of certain local improvements on certain streets in the City of Ottawa.

Whereas, pursuant to the provisions of The Municipal Act, and other statutes in that behalf, the Corporation of the City of Ottawa, by the Council thereof, has during the current year, passed several by-laws for raising by the issue of local improvement debentures, payable at the expiration of twenty years, from the 1st September, 1903, the amounts required for carrying out certain local improvements, for the construction of sewers as therein set forth, of which amount the City is to disburse certain proportions, over and above the sums for which the owners of the real property fronting or abutting upon the streets wherein such improvements have been constructed, are rated under the said by-laws, amounting in the aggregate to the sum of \$42,666.61, being the City's share of the cost of the same.

And whereas, the said by-laws are numbered, were passed and contain the following proportions to be so disbursed by the said City, as its share of the cost of said local improvements, and may be otherwise briefly referred to as follows:—

By-law No.	Street.	Improvement.	Amount to be paid by city.
2,294			
1.....	Somerset.....	Sewer.....	\$ 498 10
2.....	Somerset.....	".....	850 91
3.....	Pine.....	".....	170 37
4.....	Bell.....	".....	813 33
5.....	Catherine.....	".....	252 12
6.....	Somerset.....	".....	460 13
7.....	Cambridge.....	".....	701 69
8.....	Lyon, Gladstone.....	".....	
	McLeod, Flora.....	".....	947 67

9.....	Lyon, Catherine.....	Sewer	414 20
10.....	Bay, Gladstone.....	"	2,204 62
11.....	McLeod, Flora.....	"	2,826 46
12.....	Concession, Florence.....	"	422 02
13.....	Catherine, Kent.....	"	172 84
14.....	Bay.....	"	779 52
15.....	Salisbury.....	"	446 66
16.....	Louisa.....	"	282 72
17.....	Chapel.....	"	517 41
18.....	Turner.....	"	955 24
19.....	Arthur.....	"	1,759 24
20.....	Percy, Flora.....	"	388 09
21.....	McLeod, Gladstone.....	"	194 38
22.....	Percy, Catherine.....	"	444 47
23.....	Russell.....	"	161 31
2,295	Bank.....	"	
1.....	Lorne Ave.....	"	
2.....	Marlborough.....	"	503 91
2.....	Bell.....	"	818 10
	St. Patrick and Notre Dame..	"	606 12
2,309.....	Dufferin Road, Crichton.....	"	4,843 38
	MacKay, Noel, Electric	"	19,231 52
2,320.....	Sundry streets.....	"	\$42,666 61

And whereas it is desirable to raise by way of loan on the credit of the said city of Ottawa, the said sum of \$42,666.61 by debentures of the said Corporation, to defray the expenses of the City's share of the said local improvements.

And whereas it will require the sum of \$1,493.33 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest on the said debt and the sum of \$1,600 to be raised annually during the said period, for the payment of the debt created by this by-law, making in all the sum of \$3,093.33 to be raised annually as aforesaid, which said sum will be sufficient with the estimated interest on the investments thereof, to discharge the said debt when payable.

And whereas it is necessary that such annual sum of \$3,093.33 shall be raised and levied in each year during the said period of twenty years, by a special rate sufficient therefor, on all the rateable property in the Municipality of the City of Ottawa.

And whereas the amount of the whole rateable property in the City of Ottawa, according to the last revised assessment is \$29,362,400.

And whereas the amount of the existing debenture debt of the City of Ottawa, exclusive of that portion thereof applicable to local improvement debts, secured by special acts, rates or assessments, is the sum of \$5,017,573.00, of which no part of the principal or interest is in arrear.

Therefore the Council of the Corporation of the City of Ottawa enacts as follows:—

1. That it shall be lawful for the Mayor of the City of Ottawa, to raise by way of loan upon the security of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole, the sum of \$42,666.61, and to cause the same to be paid into the hands of the Treasurer of the said City of Ottawa, for the purposes and with the objects above recited.

2. That it shall be lawful for the Mayor to cause any number of debentures to be made for such sums of money as may be required, not less than \$100 dollars each and not exceeding in the whole the sum of \$42,666.61 as in the preceding section mentioned, and that the said debentures

tures shall be sealed with the seal of the said Corporation, and shall be signed by the said Mayor and Treasurer thereof.

3. The said debentures shall be made payable to the office of the Treasurer of the City of Ottawa in twenty years from the 1st September, 1903, and shall have attached to them coupons for the payment of interest.

4. That the said debentures shall bear interest at and after the rate of $3\frac{1}{4}$ per cent. per annum, from the date of the issue thereof, which interest shall be made payable on the 1st March and September in each year at the said office of the said Treasurer.

5. That during the twenty years, the currency of the debentures to be issued under the authority of this by-law, the sum of \$1,493.33 shall be raised annually for the payment of interest on the said debentures, and also the sum of \$1,600 shall be raised annually for the purpose of forming a sinking fund for the payment of the principal of the said loan of \$42,666.61 in twenty years, making in all the sum of \$3,093.33 to be raised annually aforesaid, and that a special rate on the dollar upon the assessed value of all the rateable property in the City of Ottawa, over and above all other rates and taxes, and which special rate shall be sufficient to produce in each year the said sum of \$3,093.33 shall be annually levied and collected in each and every year during the currency of the said debentures and every of them, for the purpose of paying the said sum of \$42,666.61 with interest thereon, as aforesaid.

6. That the sum of \$42,666.61 when obtained, shall be applied for the purpose above specified and according to the true intent and meaning of this by-law.

7. This by-law to take effect on, from and after the date of the final passing thereof.

Given under the Corporate Seal of the City of Ottawa this seventh day of December, A.D. 1903.

Certified,

(Sgd.) JOHN HENDERSON, (Sgd.) FRED COOK,

City Clerk.

Mayor.

CHAPTER 59.

An Act to confirm a certain By-law of the Village of Ottawa East and an Agreement with the Ottawa East Water Company, Limited.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Municipal Corporation of the Village of Ottawa East and The Ottawa East Water Company, Limited, have, by petition, represented that the said municipal corporation has duly passed By-Law No. 82, as amended by By-Law No. 83 of the said corporation, authorizing the said corporation to enter into, execute and carry out an agreement with The Ottawa East Water Company, Limited, which is referred to in said by-law as agreement marked "B," for the construction and maintenance and operation of a waterworks system, and to supply the said corporation with good and sufficient water upon the terms and subject to the provisions and stipulations as well as at the respective rates and charges and for the term of years which are mentioned and set forth in the said agreement; and whereas the Corporation of the Village of Ottawa East and the said The Ottawa East Water Company, Limited, have, by the said petition, prayed that an Act may be passed, ratifying and confirming the said by-law, and declaring the same to be legal, valid and binding, and also ratifying, confirming and legalizing the said agreement entered into between the said municipal corporation and the said company, in pursuance of the said by-law and of the agreement therein referred to and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law, No.
82, of Village
of Ottawa East
confirmed.

1. The amended By-Law No. 82, of the Corporation of the Village of Ottawa East, printed as Schedule A to this Act, is ratified and confirmed, and is declared to be legal, valid and binding on all parties, and to be within the powers of the said municipal corporation; and the agreement referred to in said by-law as agreement marked B, and printed as Schedule

Schedule B to this Act, as ratified, confirmed and made valid and binding upon the parties thereto; and in so far as may be necessary to carry out the purpose and intention of said by-law and agreement, the said water company shall have and enjoy the same rights, liens, powers, privileges and immunities as are held and enjoyed by the said municipal corporation under *The Municipal Waterworks Act of Ontario*. Rev. Stat. c. 235.

2. Wherever in the said by-law and agreement the words "six per cent. per annum" are used, the said words shall be construed to mean "a net revenue of six per cent. per annum." Construction of agreement and by-law.

SCHEDULE A.

By-law to authorize the construction of waterworks for the Village of Ottawa East.

Whereas James Ballantyne, Bernard Slattery, Ira Bower, Charles Francis Winter and William Andrew Dickson Lees have proposed to organize a company to construct, maintain and operate a system of waterworks for the Village of Ottawa East, on the terms and conditions set forth and contained in a proposed agreement hereunto annexed marked B, and the Council of the Corporation of the Village of Ottawa East has accepted the said proposal.

Therefore the Corporation of the Village of Ottawa East enacts as follows:—

1. That this Corporation hereby approves of the terms of the said proposed agreement hereunto annexed marked "B."

2. That upon the said James Ballantyne, Bernard Slattery, Ira Bower, Charles Francis Winter and William Andrew Dickson Lees duly executing the agreement hereunto annexed marked "A" the Reeve and Clerk of this Corporation be and they are hereby authorized to execute the same on behalf of this corporation.

3. That upon the said agreement marked "A" being complied with and the said agreement marked "B" being duly executed by the proposed company when incorporated the Reeve and Clerk of this corporation be and they are hereby authorized to execute the same on behalf of this corporation.

4. That this corporation hereby grants to the said parties above named when incorporated as a company, authority to lay down pipes for the conveyance of water under the streets, squares and other public places of the municipality.

5. That this corporation hereby declares it to be necessary in the public interest of the municipality that the said parties when incorporated as a company, should have the right to exercise the powers conferred upon municipal corporations by sections 4, 11, 12 and 14 of the Municipal Waterworks Act and amendments thereto.

Given under the corporate seal of the Corporation of the Village of Ottawa East and the hands of the Reeve and Clerk thereof this 14th day of May, A.D. 1903.

(Sgd. W. N. BARRY,

Clerk.

(Sgd.) R. M. SANDERS,

Reeve.

(Seal.)

SCHEDELE B.

This Agreement made the sixth day of August in the year of our Lord one thousand nine hundred and three, between the Corporation of the Village of Ottawa East, hereinafter called the Corporation, of the first part, and the Ottawa East Water Company, Limited, herein-after called the Company, of the second part.

Whereas the said company has proposed to construct, maintain and operate a system of waterworks in and for the Village of Ottawa East, and the said corporation approves of and has accepted the said proposal upon the terms and conditions hereinafter set forth and contained.

Now this agreement witnesseth that the said parties for themselves, their successors and assigns, each in consideration of the covenants, promises and agreements entered into by the other, do mutually covenant, promise and agree in manner and form following, that is to say:—

1. In consideration of the public benefit to be derived from the said system of waterworks the said corporation hereby grants for the term of thirty years from the date of this agreement unto the said company, its successors and assigns, the exclusive right, privilege and franchise to construct, maintain and operate within the limits of the Village of Ottawa East as they now exist, or may hereafter be extended, a system of waterworks for supplying to the said village and its inhabitants water for all purposes for which the same may be required and for the purposes aforesaid, and subject to the terms and conditions hereinafter contained the right, privilege, franchise and authority to lay down pipes for the conveyance of water under the streets, squares and other public places of the municipality, and to dig up the same when necessary for laying or repairing the said pipes, subject to such regulations as the council sees fit to make, with liberty to the said company, if necessary, to locate any part of its said works outside the Village of Ottawa East, and with liberty to supply water to persons or corporations outside of said village so long as the same can be done without impairing the efficiency of the said waterworks system within the said village.

2. The said corporation hereby grants to the said company all rights, powers, privileges and immunities which the said corporation would have under the Statutes of Ontario if the said corporation were constructing, operating and maintaining the said waterworks system, reserving to itself nevertheless the right to purchase and take over the said waterworks as provided by the said statutes.

3. The said corporation shall pass all necessary by-laws for giving effect to this agreement, and where the assent of the electors is required shall submit the same to the electors for their assent.

4. Should legislation be necessary to ratify or confirm this agreement or any such by-law or by-laws, the said corporation shall assist the said company to the full extent of their powers in procuring the same.

5. Should the assent of the electors if required as aforesaid be withheld, or should legislation if required as aforesaid be refused, then and in such cases or either of them this agreement shall be no longer binding upon the parties thereto if either of them desires to be relieved therefrom.

6. In consideration of the powers, rights, privileges and immunities hereby granted by the said corporation to the said company, the said company shall construct, maintain and operate a system of waterworks sufficient to supply the said Village of Ottawa East and its inhabitants with water of good quality and in sufficient quantity for fire protection, and for all sanitary, manufacturing and domestic purposes for which water is usually supplied by means of waterworks, and shall supply such water for the said period of thirty years unless the said waterworks be sooner taken over by the said corporation.

7. The water shall be taken from the Rideau River in or near the said village, or from some other suitable source from which pure and wholesome water of a similar kind can be obtained.

8. The plans for all works of the said company and for all extensions thereof shall be submitted to the Council of the Corporation for approval before the works are commenced, and shall in all matters not provided for herein be subject to the approval of a majority of the said Council.

9. All materials used in the construction of said system shall be of the best quality and most approved design of their respective kinds, and shall be constructed and connected in the most approved and workmanlike manner.

10. The works to be constructed shall be such as to supply water for domestic, manufacturing and sanitary use at a pressure of 35 pounds per square inch and for fire protection when required sufficient to satisfy the requirements of the Fire Underwriters' Association.

11. The works shall be commenced on or before the 15th day of September, A.D. 1903, and shall be completed within two years from said date.

12. The company in the construction of its works or of any extension thereof and in repairing the same shall cause no unnecessary obstruction of traffic in the said village and shall suitably guard and protect all excavations and openings in the streets, squares and public places of the village, and shall indemnify and save harmless the said corporation of and from all damages and costs arising from negligence of the said company in the construction, extension and repairing of its works.

13. The company shall immediately after constructing any part of its works which shall disturb any street, squares or other public place in the said village restore the same to its former condition, together with all roadways, pavements, sidewalks, drains, gas pipes or other pipes therein or thereon and any surplus earth or material remaining after such restoration shall be the property of the corporation and may be removed by the Corporation.

14. The said company shall not be entitled to charge or take any greater rates for water supplied to persons and corporations than the following annual rates:—

For every tenement or dwelling house occupied by one family only, every shop, office, church, monastery, college, convent, scholasticate and school, when assessed at a value not exceeding \$250, \$6; over \$250 up to \$600, \$8; over \$600 up to \$1,000, \$10, and for every additional sum of \$250 of assessed value or fraction thereof an additional rate of \$1.

Boarding and lodging houses, schools, colleges, monasteries and scholasticates and other similar public institutions, in addition to the above, for each bed or for each boarder or lodger \$1.

For every additional family in a single dwelling house an additional rate equal to one-half the ordinary rate for a single family.

Vacant lots assessed at a value not exceeding \$250.00, \$1.00, and for every additional \$250, or part thereof, \$1.00.

Vacant land not laid out in lots and not immediately available for sale in lots, assessed at a value not exceeding \$500, \$1.00, and for every additional \$500, or part thereof, \$1.

Dwelling houses and tenements, offices and shops, while wholly unoccupied shall be charged at half the rates charged while occupied.

Hotels, taverns, saloons and restaurants when assessed at a value not exceeding \$250, \$9, and for every additional sum of \$250—of assessed value or fraction thereof, \$3.

For water used with building material the rates, payable in advance, shall be as follows:—

For every 1,000 bricks-	\$0.10
For every tonne of masonry.	0.05
Or its equivalent in concrete	0.10
For every 100 yards of plastering	0.10

For every fountain a rate to be agreed upon between the owner or user thereof and the company.

For every public bath, or bath for the use of which a charge is made, for each tub \$4.

For every public water closet or water closet in a hotel, tavern, saloon or restaurant, running only when used, \$5.

For every water closet in a private dwelling, store or office, running only when used, \$1.

For every public urinal or urinal in a hotel, tavern, saloon or restaurant, running only when used, \$3.

The rate for horses and cows shall be as follows :—

For each horse	\$1.00
For each cow	0.50

For every fire hydrant supplied for the use of the corporation, \$25 for the first year, \$30 for the second year, and \$35 for the next ensuing eight years; provided that if at any time during the periods mentioned the revenue derived by the company from waterworks in the Village of Ottawa East shall exceed six per centum per annum on the paid-up capital stock of the company, a reduction will be made equal to such excess either in the price of fire hydrants or in the water rates charged to consumers as the Council may desire.

For every portable or stationary steam engine or traction engine, other than a locomotive engine, working not more than twelve hours per day for each horse power, \$3.00, or for each 1,000 gallons by meter, \$0.10.

For every railway locomotive engine taking water within the municipality, \$60, or for each 1,000 gallons by meter, \$0.10.

The rates for steam engines shall in every case be in addition to all other rates levied on the premises of the owners or users of such engines.

Arrangements may be made by the company with users of water for payment at the rate of 20 cents per 1,000 gallons instead of at the foregoing rates, the quantity to be determined by a meter or meters which shall be supplied by and remain the property of the company, and for which the consumer shall pay the company an annual rental on the following scale in addition to the said rate :—

For one $\frac{1}{2}$ " meter	\$ 3.00
For one $\frac{3}{4}$ " meter	3.75
For one 1" meter	4.75
For one $1\frac{1}{2}$ " meter	8.00
For one 2" meter	14.00

For all laundries, workshops, factories and other manufacturing and industrial concerns the rate shall be the above meter rate of 10 cents per 1,000 gallons or such lower rate as may be agreed upon between the parties interested.

No person obtaining from the company a supply of water for domestic use shall use the same for generating motive power, but the water so obtained may be used in and about the house, lawn, garden, grounds, stables and outbuildings, provided that no sprinkling of lawns, gardens or grounds shall be allowed to occupy more than two hours in twenty-four hours, and such sprinkling shall be done between the hours of 6 and 9 o'clock in the forenoon or between the hours of 5 and 8 o'clock in the afternoon.

No consumer of water shall sell or give to or permit to be taken by any other consumer any part of his water supply.

The words "assessed value" in the above schedule of rates shall mean the assessed value for municipal purposes as the same appears in the last revised assessment roll of the said village so long as the total assessed value does not fall below that for the year 1902, in which case the revised assessment roll for the year 1902 shall be taken as the basis for computing the said rates.

Should water be required for any purpose not hereinbefore provided for, the rate shall be such as may be agreed upon between the parties interested, but shall not exceed the rate of 20 cents per 1,000 gallons by meter. The above rates shall be payable at such times in the year as

the company may fix, provided that they shall not be payable more frequently than quarterly in advance.

15. The laying of the service pipes from the main pipes to the street line shall be done by and at the expense of the company, and all work from the street line to the place of consumption shall be done at the expense of the consumer.

16. The corporation agrees to pay at the above mentioned rates for at least 30 fire hydrants and for as many more as may be required by it at the same rate, and the said fire hydrants shall be located at the places designated by the corporation during the construction of the said works or the extension thereof before the closing of the trenches dug for the laying of pipes, but if hydrants are ordered to be put in or the location of hydrants to be changed after the said trenches are closed the work shall be done at the expense of the corporation.

17. The company shall not be bound to extend its works to any street or portion of the said Village where the revenue to be derived from such extension would not at the rates above laid down amount to six per centum per annum on the cost of said extension, the said revenue to be guaranteed by the prospective consumers for a period of not less than five years.

18. No rates shall be chargeable on any property where no pipe for the supply of water runs to a point in the street on which such property fronts opposite to any part of the frontage thereof unless water is actually supplied to such property by some other channel, but except as aforesaid all lands and houses in the said Village shall be liable to pay water rates whether using the water of the said company or not.

19. Should there be at any time a failure of the supply of water, due to the negligence of the said company, and not to unavoidable accident or vis major no rates shall be charged to any consumer, so long as such failure continues.

20. Should the company at any time except through unavoidable accident or vis major fail to keep up the fire pressure when required, and should such failure extend beyond forty-eight hours, then from and after the end of the said forty-eight hours the company shall pay to the corporation the sum of twenty-five dollars per day so long as the said failure shall continue.

21. During all fires and all parades of the fire brigade in the said village the fire hydrants shall be under the control of the chief of the fire brigade and at all other times the said hydrants shall be under the control of the company.

22. The corporation shall be entitled to take from the said hydrants all the water required by the corporation for fire protection, street sprinkling and the necessary flushing of drains and sewers and at all times when the said hydrants are not in use by the corporation for such purposes or any of them the company may take water therefrom for sale or other disposal thereof as they may see fit.

23. The corporation shall within the times hereinbefore limited for the commencement and completion of the said waterworks system and as far as may be concurrently therewith construct in the said village a systems of drains and sewers of such an extent and of such efficiency that all persons and corporations residing or doing business in those parts of the said village served by the said company may be able to obtain good and sufficient drainage with a proper outlet for their premises for all sanitary purposes as soon as the company is in a position to supply them with water.

24. In so far as it shall be found practicable to do so the same trenches may be used by the company for water pipes and by the corporation for sewers and drains, provided that in such case the cost of digging and filling in such trenches shall be divided between the company and the corporation in proportion to the amount of digging required by each.

25. The company shall have the right to deal in and sell to consumers of water all pipes, fittings, connections and appliances, sanitary or otherwise

wise, to be used in connection with the said system, and to contract with consumers for fitting up and placing the same and laying service pipes thereto.

In witness whereof the said corporation of the Village of Ottawa East have hereunto set their corporate Seal and the hands of the Reeve and Clerk, and the said the Ottawa East Water Company, Limited, have hereunto set their corporate seal and the hands of the President and Secretary thereof the day and year first above written.

(Signed) R. M. SAUNDERS,
Reeve, O. E.

Seal
Ottawa East.

(Signed) W. N. BARRY,
Clerk, O.E.

Seal
Water Co.

(Signed) J. BALLANTYNE,
President of O. E. W. Co., Limited.

(Signed) WM. A. D. LEES,
Secretary, O. E. W. Co., Limited.

CHAPTER 60.

An Act to confirm By-law No. 519 of the
County of Oxford.

Assented to 26th April, 1904.

WHEREAS the Corporation of the County of Oxford has Preamble. by petition prayed that By-law No. 519 of 1904 of the said County of Oxford "to raise by way of loan \$35,000 to be paid to the several toll road owners in the county for the purpose of abolishing the tolls in the county and to provide for the improvement of certain roads within the county by way of county appropriations" may be confirmed and declared to be legal, valid and binding; and whereas the said corporation has further prayed that a certain agreement entered into with the Municipal Corporation of the City of Woodstock whereby the said city corporation undertakes to pay a contribution of \$2,000 towards the purchase of the toll roads in the said by-law mentioned may be confirmed; and whereas the said Corporation of the City of Woodstock has joined in the said petition and has further prayed that the said corporation may be authorized to issue debentures for the said sum of \$2,000 without obtaining the assent of the electors thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The By-law No. 519 of the said County of Oxford, set out in Schedule A to this Act, is confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and the other municipal corporations and parties mentioned therein and to be affected thereby in the same manner and to the same extent as if the provisions of the said by-law had been embodied in an Act of this Legislature.

By-law 519
(toll roads
expropriation)
confirmed.

Provided that the Corporation of the County of Oxford shall not expropriate or purchase those portions of the Ingersoll and Port Burwell, and the Tilsonburg and Courtland Gravel Roads, lying within the County of Oxford, unless and until the portions of the said roads lying in the County of Norfolk are also expropriated or purchased and freed from tolls.

And

And provided that the annual sum mentioned in the 6th paragraph of the said by-law as payable by the Corporation of the Town of Tilsonburg shall not be payable unless and until the said roads shall have been expropriated or purchased and freed from tolls.

Application of
1 Edw. VII.,
c. 33.

2. All the provisions of *The Toll Roads Expropriation Act*, 1901, and amendments thereto relating to the procedure, to be followed by the corporation of any county upon the expropriation of toll roads under the said Act, shall apply to the purchase of the toll roads mentioned in the said by-law and to the arbitration and other proceedings thereon, except in so far as the provisions of the said Act and amending Acts may be inconsistent with the terms of the said by-law No. 519, or may relate to matters with respect to which different provisions are made by the said by-law.

Agreement
with City of
Woodstock
confirmed.

3. The agreement between the Corporation of the County of Oxford and the Corporation of the City of Woodstock, set out in Schedule B to this Act, is confirmed and declared to be legal, valid and binding on the said municipal corporations and the ratepayers thereof, respectively.

City authorized
to pay County
\$2,000.

3 Edw. VII.,
c. 19.

4. The Corporation of the City of Woodstock is authorized to pay over to the Corporation of the County of Oxford the sum of \$2,000, in accordance with the terms of the said agreement; and the council of the said city may pass the necessary by-law or by-laws for the issue of debentures for the said sum of \$2,000; and all the provisions of *The Consolidated Municipal Act*, 1903, relating to by-laws for the creation of debts shall apply to any by-law or by-laws to be passed under this section, except that it shall not be necessary to obtain the assent of the electors of the said city to the passing of any such by-law.

SCHEDULE A.

By-law No. 519.

On the Municipal Council of the Corporation of the County of Oxford to raise by way of loan \$35,000.00, to be paid to the several Toll Road owners in the County for the purpose of abolishing the Tolls in the County, and to provide for the improvement of certain roads within the County by way of County appropriations.

A. Whereas by virtue of the Toll Roads Expropriation Act of 1901 as amended, power is granted to County Councils to purchase by agreement or arbitration as therein provided, the Toll Roads within a County in order that the Tolls on such Roads may be abolished, and it is therein provided that roads so freed from tolls shall become County roads within the meaning and provisions of the Municipal Act, and

B. Whereas the Act for the improvement of Public Highways of 1901 as amended, sets apart a sum of money to aid in the improvement of Public Highways, and it is therein provided that the share of such sum so set apart to which any County may be entitled may be used in whole or in part by said County in the purchase of Toll Roads within the limits of such County, and

C. Whereas the purchase price of the Toll Roads within this County will very greatly exceed its share of the sum set apart under the said Act for the improvement of Public Highways, and

D. Whereas it is the desire of this County Council, and (it is also believed to be the desire) of a majority if not all of the Councils of the minor Municipalities of the County to purchase the Toll Roads within the County for the purpose of freeing the same from tolls, and also to take such action as will secure a greater mileage of improved roads within the County, and

E. Whereas this Council are in various ways informed and believe it to be the fact that the Councils, as also a majority of the ratepayers of the several rural Municipalities are opposed to the assumption and control of any of the roads within the County, as County roads, but are not opposed but are favorable to the County Council making an annual appropriation for the improvement of any selected mileage of roads within the several townships upon any fair basis of apportionment, such appropriations to be expended only upon such mileage of roads (which shall always include the toll roads that have been purchased and freed from tolls by the County) as have been formally selected and designated by the Councils of the Townships to the County Council, as the roads on which County appropriations are to be expended, and

F. Whereas the greatest mileage of toll roads within any single Municipality in the County is fourteen miles in the Township of West Oxford, it is therefore expedient to adopt the said mileage of toll roads, and also the equalized assessment of the said Township of West Oxford as the standard of basis for the apportionment and distribution of all appropriation of County funds for the purpose of Road improvement, and

G. Whereas this Council is of the opinion that such an arrangement as is herein detailed so nearly complies with the letter and is so slightly removed from the spirit of the Acts above referred to for the expropriation of Toll Roads and the improvement of Public Highways, that the Ontario Government and Legislature will, in the circumstances, not refuse to ratify and confirm this by-law and authorize the payment to the County of its share of the money set apart for the improvement of Public Highways, and accept the provisions of this by-law as a sufficient fulfilment of the provisions of the Act with reference to Road Improvements, and

H. Whereas the Ingersoll and Pt. Burwell and the Tilsonburg and Courtland Gravel Roads lie partly in the County of Oxford and partly in the County of Norfolk, and no agreement has been reached by the said Counties and roads either as to price or proportion, the Council of the County of Oxford has appointed one of its members to act on its behalf in the appointment of an arbitrator under the Toll Roads Expropriation Act, and have served upon the Clerk of the County of Norfolk a copy of the by-law making said appointment.

I. Whereas the Woodstock and Norwich Gravel Road lies partly in the County of Oxford and partly in the City of Woodstock, and an agreement has been reached between the Councils of the County and City in regard to the said road and their interest in abolishing the tolls from this and other roads leading into the City of Woodstock, and the Council of the City has agreed to pay the sum of \$2,000.00, and the Council of the County has agreed to accept the same as a fair consideration in the premises, and the said City of Woodstock desires to have their action ratified by the Legislature in the special Act petitioned for by the County of Oxford to ratify their by-law for the purchase of all the said roads within the county.

K. Whereas the Council of the County of Oxford have by By-law appointed an arbitrator under the Toll Roads Expropriation Act to act in the case of any road wholly within the County of Oxford with the owners of which failure is made to come to an agreement as to the price to be paid by the County for the purpose of abolishing the tolls from said road or roads.

L. Whereas agreement has been reached with some of the owners of the following Toll Roads within the County as to the amount to be paid for the purpose of abolishing the tolls on the said roads, and it is confidently expected that all of the said roads can be purchased either by agreement

agreement or arbitration under the Act at the prices named in this clause, and this Council have agreed that should they fail to purchase at the said named price, then the extra amount shall be paid out of the general funds of the County.

Ingersoll and Port Burwell Gravel Road	\$15,500
Woodstock and Huron	4,600
North Oxford and West Zorra	4,000
Ingersoll and Dereham	9,360
Woodstock and Norwich	3,300
Ingersoll and Northern	500
Ingersoll and Thamesford	3,500
Woodstock and Ingersoll	10,000
Tillsonburg and Courtland	700

M. Whereas the several Municipalities are not equally benefited by the purchase of the said roads, it is therefore expedient and just to fix the proportion which each Municipality shall pay annually during the currency of the said Debentures towards the principal and interest as they become payable.

N. Whereas it is expedient and necessary to raise by way of loan by the issue of Debentures the amount required to pay the owners of the said roads (less the amount of the County's share of the sum set apart by the Legislature of Ontario for the improvement of Public Highways) the sum of \$35,000, and also to provide for the raising annually the amount required to pay a part of the principal and interest upon the said Debentures during their currency, and

O. Whereas it will require a total amount of \$2,575.36 to be raised annually by a special rate for paying the said debt of \$35,000 and interest thereon at the rate of 4 per cent. per annum, and

P. Whereas the amount of the whole rateable property of the County of Oxford according to the last revised and equalized Assessment Rolls is \$24,309,434, and

Q. Whereas the existing Debenture debt of the County of Oxford is \$14,051.70, and there is no principal or interest thereon in arrears;

It is therefore hereby enacted by the Municipal Council of the Corporation of the County of Oxford :

1st That it shall be lawful for the Warden of the County of Oxford to raise by way of loan from any person or corporation who may be willing to advance the same upon the security of the Debentures of the County hereinafter mentioned, the sum of \$35,000.

(1) (a) A portion of the principal of the Debenture debt to be incurred under this by-law shall be payable in each year for a period not exceeding twenty years from the date of the issue of the Debentures, and so that the aggregate amount payable on account of principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest in each of the other years of the period within which the debt is to be discharged.

2nd. That it shall be lawful for the Warden of the County, and he is hereby authorized and instructed to cause a series of Debentures to be made for the said total amount of \$35,000, according to the following schedule :—

No.	Year.	Principal.	Interest.	Total.
1	1905	\$1,175 36	\$1,400 00	\$2,575 36
2	1906	1,222 38	1,352 98	2,575 36
3	1907	1,271 27	1,304 09	2,575 36
4	1908	1,322 12	1,253 24	2,575 36
5	1909	1,375 01	1,200 35	2,575 36
6	1910	1,430 00	1,145 36	2,575 36
7	1911	1,487 21	1,088 15	2,575 36
8	1912	1,546 69	1,028 67	2,575 36
9	1913	1,608 56	966 80	2,575 36
10	1914	1,672 90	902 46	2,575 36
11	1915	1,739 82	835 54	2,575 36
12	1916	1,809 42	765 94	2,575 36
13	1917	1,881 79	693 57	2,575 36

14	1918	1,957 06	618 30	2,575 36
15	1919	2,035 35	540 01	2,575 36
16	1920	2,116 76	458 60	2,575 36
17	1921	2,201 43	373 93	2,575 36
18	1922	2,289 49	285 87	2,575 36
19	1923	2,381 07	194 29	2,575 36
20	1924	2,476 31	99 05	2,575 36
		\$35,000 00	\$16,507 20	\$51,507 20

3rd. That the said Debentures shall be sealed with the Seal of the Corporation and shall be signed by the Warden and countersigned by the Treasurer of the County, and shall have coupons for interest attached signed by the Warden and Treasurer, and shall be payable on the 1st day of December in each year, as indicated by the said schedule at the office of the County Treasurer in the City of Woodstock.

4th. That the said debentures shall bear interest at the rate of 4 per cent. per annum from the date thereof which interest shall be payable yearly on the 1st day of December in each year at the said Treasurer's Office.

5th. That there shall be raised in each year during the currency of the said Debentures the sum of \$2,575.36, which yearly sum is sufficient to discharge the several instalments of principal and interest accruing due on such Debentures, and the said Debentures and interest shall respectively become due and payable according to the terms thereof, and as above stated.

6th. That the said sum of \$2,575.36 shall be levied and raised in each year during the currency of the said Debentures from the several Municipalities in accordance with the following schedule, which shall be a fixed annual rate upon the several municipalities during all the years of the currency of the said Debentures, in addition to all other rates authorized by any other By-law.

Township of Blandford	\$ 62 11
" Blenheim	102 80
" Dereham	638 40
" East Nissouri	114 75
" North Norwich	68 00
" South Norwich	44 50
" North Oxford	178 00
" East Oxford	171 45
" West Oxford	230 75
" East Zorra	250 20
" West Zorra	301 45
Town of Ingersoll	281 30
" Tillsonburg	109 85
Village of Embro	8 75
" Norwich	13 05
	\$2,575 36

7th. That the following sums shall be paid to the owners of the several Toll Roads as specified in the following schedule:—

Ingersoll and Port Burwell Gravel Road	\$15,500
Woodstock and Huron	4,600
North Oxford and West Zorra	4,000
Ingersoll and Dereham	9,360
Woodstock and Norwich	3,300
Ingersoll and Northern	500
Ingersoll and Thamesford	3,500
Woodstock and Ingersoll	10,000
Tillsonburg and Courtland	700

8th. That if it becomes necessary in accordance with a possibility suggested in section "L" of the preamble to pay any greater sum than the sum herein fixed for any of the roads named then the difference shall be paid by the County as a whole out of the general funds, and shall not increase

increase or diminish the amounts to be paid by the several municipalities of the county, as directed to be paid annually by clause 6.

9. That the Council of the County of Oxford shall during at least the next ensuing twenty years make an annual appropriation of not less than \$20 per mile for the improvement of certain specified and selected public highways in the several Township Municipalities in the County which selected highways shall in every case include as a part of the mileage the gravel roads hitherto the toll roads of the County and specifically mentioned in this By-law, and the said County appropriation shall be paid annually as apportioned by By-law to the Treasurers of the several Townships in the County.

10. That the Township of West Oxford having within its limits 14 miles of Toll Roads (which will under this By-law become the roads within that Township on which County moneys must be expended) is entitled to and shall receive its proportion of the mileage appropriation annually made by the County Council and each of the other Townships shall receive annually out of the County appropriation a sum per mile the total of which will bear the same proportion to the mileage paid to West Oxford as the equalized assessment of such other Township bears to the equalized assessment of the Township of West Oxford at the date of the passing of this By-law.

11. That each of the several Township Councils in the County shall before receiving any portion of the County appropriation specify and designate by By-law the roads or portions of roads (always including any Toll Road expropriated under this By-law) upon which the said County mileage appropriation shall be expended and the mileage so designated by the said By-law shall be based upon the amount of such mileage apportion payable to the Township of West Oxford and shall bear the same proportion thereto as the equalized assessment of the Township bears to the equalized assessment of the Township of West Oxford at the date of the passing of this By-law. Every such Township By-law in addition to designating the roads upon which such mileage is to be expended shall give particulars showing how such mileage is arrived at and the nature of the contemplated roads or improvements upon such roads and the estimated cost thereof.

12. That the money annually appropriated by the County Council shall be levied as other rates upon the equalized assessment as yearly made upon the whole County, and shall be expended only upon the roads so designated and selected, and in the purchase of gravel or broken stone, the construction and repair of bridges and permanent culverts, and the purchase of material for work and the payment of drainage, and every Township Council shall annually on or before the first day of May furnish to the County Council a statement in detail showing how any mileage grant received during the previous year has been expended. The Council of the County may whenever it is considered expedient or necessary authorize an examination of any or all of the said roads.

(a) If in any Township the mileage is wholly or largely made up of gravel roads (hitherto Toll Roads), and it can be shown to this Council that the money appropriated by the County in any year or any portion of such money is not required for expenditure upon the said roads, then such money or such portion thereof, with the consent of this Council, expressed by resolution, may be expended upon any other road or roads in the Township.

13. That in each and every year during which the mileage apportionment hereinbefore mentioned is paid to Township Councils there shall be raised, levied and collected by general county rate a sum sufficient to pay to each of the Towns and Village Corporations in this County an amount which shall bear the same proportion to that payable to West Oxford annually under this by-law as the equalized assessment of the Town or Village bears to the equalized assessment of the Township of West Oxford at the date of the passing of this By-law.

(2) The annual sums payable to any Town or Village under this By-law shall be expended upon the construction and improvement of roads in

in the Municipality, but not upon sidewalks nor upon the grading or cleaning of any such road.

(3) The Council of every such Town or Village shall annually by By-law, to be passed before the first day of May, designate the roads upon which the County grant is to be expended and the nature of works or improvements to be done or made thereon, and the cost of such works or improvements, and a copy of every such by-law shall forthwith be forwarded to the County Clerk.

14. That the Legislature of Ontario shall be memorialized by this Council to authorize the payment to the County of Oxford of its share of the sum set apart under the Act for the Improvement of Public Highways upon the purchase by this County of all the Toll Roads within the County and the abolition of all Tolls within the County, and to accept the provisions of this By-law as a sufficient fulfilment of the Acts referred to, and also to ratify and confirm this By-law.

15. That this By-law shall not take effect or come into operation until it has been confirmed by the Legislature of Ontario and an Order-in-Council has been passed making the appropriation referred to in the preamble hereof out of the fund set apart by the Act 1 Edward the Seventh, Chapter 32, and the amendments thereto.

Read a third time and passed this 8th day of February, 1904.

Signed JAMES WHITE,

County Clerk.

Seal of the County of Oxford.

Signed THOS. LOCKHART,

Warden.

—

SCHEDULE B.

This Agreement made in duplicate this fifteenth day of February, one thousand nine hundred and four, between the Corporation of the County of Oxford of the First Part, and the Corporation of the City of Woodstock of the Second part.

Whereas the party of the first part is desirous of purchasing the toll roads in the County of Oxford and removing the tolls therefrom.

And whereas the Woodstock and Norwich Gravel Road, one of the said toll roads, is situate partly in the said City of Woodstock and partly in the said County of Oxford, and a number of the other toll roads in the County of Oxford lead into the City of Woodstock.

And whereas the party of the second part is also desirous that the tolls should be removed from all the roads in the said County.

And whereas under the provisions of the Toll Roads Expropriation Act, 1901, and its Amendments, the party of the second part is liable to contribute a share towards the purchase of the said toll roads and the removal of the tolls therefrom, and the sum which the party of the second part is willing to contribute for such purchase is the sum of \$2,000, and the party of the first part has agreed to accept the same.

Now, this Agreement witnesseth that in consideration of the party hereto of the first part purchasing all the toll roads in the County of Oxford and removing the tolls therefrom, the party of the second part will on or before the first day of December, 1904, pay to the Treasurer of the party of the first part the sum of \$2,000, as agreed upon as before mentioned, provided that power is given by the Legislature to issue Debentures for said amount payable in twenty years and in full of its share of all liability under the said Toll Roads Expropriation Act and its Amendments, for the purchase of the toll roads in the County of Oxford, and the removal of the tolls therefrom, and the party of the first part accepts the same and agrees to release the said party of the second part from any and all other payments or liability in respect thereof.

In witness whereof the party hereto of the first part has affixed its Corporate Seal and caused these presents to be signed by its Warden and Clerk.

And

And the party hereto of the second part has affixed its Corporate Seal and caused these presents to be signed by its Mayor and Clerk.

Seal
Municipal
Council
County of
Oxford.

THOMAS LOCKHART
Warden.

JAMES WHITE,
County Clerk.

Seal
City of
Woodstock,
Incorporated
1901.

JOHN WHITE,
Mayor.
JOHN MORRISON,
City Clerk.

CHAPTER 61.

An Act to incorporate the Municipality of the Township of Paipoonge.

Assented to 26th April, 1904.

WHEREAS the Municipality of Neebing, of which the Township of Paipoonge now forms part, has by petition represented that it is desirable that the collectors' and assessors' rolls of the said municipality should be confirmed, and that all sales of land purporting to have been made by the said municipality for arrears of taxes should be validated; and whereas the said municipality has by petition further represented that the said Township of Paipoonge has now over one hundred inhabitants and that a plebiscite was taken of the voters of the said Township of whom 59 voted in favour of separation and 9 voted against the same; and whereas it is doubted whether the said separation can be had otherwise than by special legislation; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the Township of Paipoonge shall be separated from the Municipality of Neebing, and the inhabitants thereof shall be and they are constituted a Township Municipality under the corporate name of "The Corporation of the Municipality of Paipoonge," and shall have, possess and enjoy all the rights, powers and privileges from time to time enjoyed and exercised by, and be subject to all the burdens and liabilities from time to time imposed upon township municipalities separated and organized under *An Act respecting the establishment of Municipal Institutions in Territorial Districts*, except where otherwise expressly provided by this Act.

2. Upon the passing of this Act the assets and liabilities of the Municipality of Neebing shall be determined, borne, dealt with and paid in like manner as is directed by the provisions of *The Consolidated Municipal Act, 1903*, in regard to the withdrawal or separation of municipalities.

Rev. Stat.,
c. 225.

Provisions of
Municipal
Act as to
separation of
municipalities
to govern as
to assets, etc.,
3 Edw. VII,
c. 19.

Application of provisions of Rev. Stat., c. 225.

3. Except as otherwise provided by this Act the provisions of *An Act respecting the establishment of Municipal Institutions in Territorial Districts* and of any Act amending or in substitution of the same shall from time to time apply to the said "The Corporation of the Municipality of Paipoonge" in the same manner as if the said township had been separated from the said Municipality of Neebing and organized into a township municipality under the said last-mentioned Act.

First nomination and election of reeve and councillors.

4. On the eighth Saturday after the passing of this Act it shall be lawful for James M. Munro, or the acting clerk for the Municipality of Neebing for the time being, who is hereby appointed the returning officer, after giving public notice thereof by public advertisement in a newspaper published in the Town of Fort William, once a week, for three successive weeks, to hold the nomination for the first election of the reeve and councillors at the township hall at Rosslyn, in the Township of Paipoonge, at the hour of noon, and he shall preside at such meeting, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week in the week next following the said nomination; and the returning officer or chairman shall at the said nomination publicly announce the place or places at which the polling shall take place.

Appointment of deputy returning officer.

Rev. Stat., c. 225.

Persons entitled to vote.

Clerk to furnish returning officer with certified copy of roll.

5. The said returning officer shall appoint a deputy returning officer for each polling place, and such returning officer and deputy returning officer shall, before holding such election, take the oath or affirmation required by law, and shall possess all the powers, privileges and immunities, and be subject to all the provisions of the general municipal law of Ontario relating to such officers at elections in township municipalities, created under *The Act respecting the establishment of Municipal Institutions in Territorial Districts*.

6. The persons entitled to vote at such first election shall be such of the persons enumerated in section 18 of the above last mentioned Act as appear on the last revised assessment roll of said Municipality of Neebing in respect of that portion thereof known as the Township of Paipoonge.

7. A certified copy of so much of the said assessment shall be made out by the clerk of the Municipality of Neebing, and furnished to the returning officer or chairman aforesaid upon demand, and such copy shall be verified on oath by such clerk, and shall be used as the list of voters entitled to vote at such election (if necessary).

8. All assessment rolls of the said Municipality of Neebing heretofore finally revised, all collectors' rolls of the said Municipality of Neebing heretofore made and all collectors' returns heretofore made are hereby validated and confirmed notwithstanding any irregularity, fault or omission in the said assessments, collectors' rolls or collectors' returns or in any matter or thing done or omitted to be done in relation thereto and notwithstanding anything in any Act or Acts to the contrary.

Assessment rolls validated and confirmed

9. All sales of land within the said Municipality of Neebing made before the 1st day of January, 1902 and purporting to be made for arrears of taxes in respect of the lands so sold are hereby confirmed and validated, notwithstanding any irregularity in the assessments, or any other proceedings for the imposition of any taxes so in arrear, or any failure to comply with the requirements of *The Consolidated Assessment Act* or of *The Assessment Act*, or of any Act or Acts amending the same in regard to the certifying or signing of the same, or of the making of any affidavit or oath required in connection therewith, or in regard to the time for the return of any collector's roll of the said municipality, or in regard to the furnishing, authenticating or depositing of any list of lands in arrears for taxes within the said municipality, or in regard to the mailing or giving of notice to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, or any misdescription of any lands so sold in the assessment roll, collectors' roll or collectors' return, and notwithstanding any other failure, omission or mistake of any kind whatsoever in or about the said sale on the part of any official of the said municipality, and notwithstanding anything to the contrary in any of the said Acts contained. Provided that this section shall not be held to confirm or validate the sale of any lands for taxes unless the taxes for which such lands have been sold were at the time of sale in arrear for three years, and the lands have not been redeemed in one year after the sale as provided by the Statutes in that behalf.

Sales of land for arrears of taxes.

Rev. Stat. c.224.

Proviso.

(2) The owner, or the executors, administrators or assigns of the owner of any land purchased by the Municipality of Neebing at the annual tax sale held in the year 1901, may, in case such land has not been sold by the municipality prior to the passing of this Act, at any time within twelve months from the passing of this Act redeem the said land by paying or tendering to the treasurer of the municipality the full amount of taxes due, together with the expenses of sale and ten per centum thereon; and the treasurer shall give to the person so paying such redemption money a receipt stating the sum paid and the object of the payment; and such receipt shall be evidence of redemption.

Right to redeem lands sold at tax sale for 1901.

55 V. c. 76, s. 1, amended. **10** Section 1 of chapter 76, of the Acts passed in the 55th year of Her late Majesty's reign, is amended as follows :—

(a) By striking out the word "five" in the first line thereof and substituting the word "four" therefor.

(b) By striking out the following words in the fourth and fifth lines thereof "the ward of Paipoonge shall consist of the Township of Paipoonge."

55 V. c. 76, s. 3, amended. **11.** Section 3 of the said last mentioned Act is further amended by inserting after the word "place" in the second line thereof the words "in the Town of Fort William or in the Municipality of Neebing," and by substituting the word "nominations" in the first line thereof for the word "elections."

55 V. c. 76, s. 4, amended. **12.** Section 4 of the last mentioned Act is further amended by striking out the word "five" in the second line thereof and substituting therefor "four," and by striking out the word "ratepayers" in the fifth line thereof and substituting therefor the word "electors."

Polling place
in Neebing
ward.

13. The polling place for the electors of the Neebing Ward of the Municipality of Neebing may be in the Town of Fort William if the council of the said municipality so appoint by by-law duly passed.

CHAPTER 62.

An Act respecting Town of Perth.

Assented to 26th April, 1904.

WHEREAS, the Municipal Corporation of the Town of Preamble. Perth has, by petition, represented that the Council of the said corporation on the 27th day of July, 1903, finally passed By-law No. 897 of the said town, intituled "A By-law to provide for the construction of Sewers in the Town of Perth, and to authorize the Issue of Debentures of the said Town to the amount of \$30,000 for the purpose of raising the sum required therefor;" and whereas before the final passing of the said by-law the same was duly submitted to a vote of the rate-payers qualified to vote thereon, in accordance with the provisions of *The Consolidated Municipal Act, 1903*, and was assented to by a large majority of the said ratepayers voting thereon; 217 voting in favour of the said by-law and 101 voting against the said by-law; and whereas the said corporation has by petition represented, that it is expedient that the council of the said corporation be authorized to pass by-laws for the extension of the said system of sewers and to pay for the cost of construction thereof in part out of the general funds of the municipality and in part by a uniform frontage rate chargeable against the properties opposite which such sewers shall be constructed; and whereas the said corporation has further represented that it is expedient to validate and confirm the said By-law No. 897 of the Town of Perth; and whereas no opposition has been offered by or on behalf of any ratepayers or otherwise to the said petition; and whereas the said corporation has by its petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 897 of the Corporation of the Town of Perth set forth as Schedule A to this Act, and all debentures issued or to be issued thereunder, are hereby validated, confirmed and declared to be legal and binding upon the said municipal corporation.

By-law No. 897
of Town of
Perth con-
firmed.

Power to pass by-laws for extension of sewerage system.

2. Subject as hereinafter provided, it shall be lawful for the municipal council of the said corporation from time to time to pass by-laws for the enlargement or extension of the system of sewers authorized by said By-law No. 897 (including in the said extensions if deemed advisable by the said council branches therefrom to the line of street) whenever the said council by a vote of two thirds of all the members of the said council at any regular meeting thereof deem such enlargements or extensions desirable and necessary in the public interest; and whenever any such by-law is passed and any such enlargement or extension of the sewer system undertaken, the council of the said corporation may charge the lands fronting or abutting upon any street upon which such enlargement or extension is constructed an uniform rate not exceeding the frontage rate chargeable as rent against the properties making connections with the trunk or main sewers, and not exceeding the sum of fifty cents per foot frontage of the lands fronting or abutting upon each side of such street, and may pay the balance of such cost out of the general funds of the municipality; and the said lands upon which a sewer rent or frontage rate has been so imposed shall nevertheless be liable to be rated and assessed for their respective proportions of all sums payable out of the general funds of the municipality for sewerage tax; provided that whenever the total amount so expended out of the general funds of the corporation shall have amounted to the sum of \$40,000, in addition to the sum of \$30,000, provided for in the said by-law No. 897, the assent of the ratepayers shall be necessary to any by-law for raising further monies to provide the municipality's share of such cost.

Power to pass by-laws providing for the cost by the issue of debentures.

3. It shall be lawful for the said corporation in and by the by-law or by-laws authorizing the construction of any enlargement or extension of the said sewer system as by this Act provided, or by any separate by-law to provide for the payment of the total cost of such enlargement or extension by the issue of one set of debentures on the credit of the said corporation for such period of years, not exceeding thirty as the said council may think fit.

Consent of ratepayers not to be necessary.

3 Edw. VII., c. 19.

Application of 3 Edw. VII. c. 19.

4. Save as hereinbefore provided it shall not be necessary to obtain the assent of the ratepayers of the Town of Perth entitled to vote upon by-laws to any by-law passed under the provisions of the two preceding sections or to observe any of the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903.*

5. Any provisions contained in *The Consolidated Municipal Act, 1903*, and any amendments thereto, which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to any by-law or by-laws passed under the authority of this Act, and no irregularity in the form of the debentures issued thereunder shall render the same invalid or illegal

illegal or be allowed as a defence to any action brought against the said corporation, for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity for the issue of such debentures, or any of them or as to the application of the proceeds thereof.

6. This Act may be cited as *The Town of Perth Act, 1904.* Short title.

SCHEDULE A.

BY-LAW NO. 897.

A By-law to provide for the construction of Sewers in the Town of Perth, and to authorize the Issue of Debentures of the said Town to the amount of \$30,000 for the purpose of raising the sum required therefor.

Passed July 27th, 1903.

Whereas a system of Sewerage for the Town of Perth is required for the convenience and the protection of the health of the residents of the said Town.

And whereas it is desirable to construct a system of trunk and main sewers for the said Town in accordance with plans which have been prepared for the Council thereof and of such dimensions, levels and location as to provide for, and allow of, extensions and enlargements thereof from time to time and which will provide for surface drainage of the streets of the said Town as well as for sewage draining.

And whereas it is proposed to pay out of the general funds of the Municipality the cost of construction of the said trunk and main sewers and a portion of the cost of all such extensions of the said sewers as may be made hereafter.

And whereas the total amount payable out of the general funds of the Municipality for the purpose aforesaid has been estimated at \$30,000 and it will be necessary to issue Debentures of the said Town for the sum of \$30,000 as hereinafter provided which is the debt intended to be created by this By-law the proceeds of the said Debentures to be applied to the purposes aforesaid and to no other purpose.

And whereas it is proposed that the cost of all enlargements or extensions of the said system shall be payable in part out of the general funds of the said Town and in part by local assessment at an uniform frontage rate, due allowance being made on the assessment of corner lots, and that all properties which shall have connections made with the said trunk or main sewers shall be chargeable with the said uniform frontage rate.

And whereas it is desirable to make the principal of the said debt repayable by yearly sums during the period of thirty years being the currency of the said Debentures said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the other twenty-nine years of the said period.

And whereas the total amount required by the Municipal Act to be raised in each year by special rate for paying the said debt and interest, is the sum sufficient to discharge the instalment of principal and interest accruing due on the said debt for such year as shown in the fourth column of Schedule "A" hereto annexed.

And whereas the amount of the whole rateable property of the Town of Perth according to the last revised assessment roll thereof is \$1,226,775.00.

And whereas the amount of the existing Debenture debt of the said Town is \$32,135.20, exclusive of local improvement debts secured by special

special Acts, rates or assessments, of which \$24,655.00 is for principal and \$7,480.20 is for interest and no principal or interest is in arrear.

Therefore the Municipal Council of the Corporation of the Town of Perth enacts as follows:—

1. For the purpose of raising the sum of \$30,000 to be expended as specified in this By-law, Debentures of the said Town to the amount of \$30,000 in sums of not less than \$100 each shall be issued on the Twentieth day of December, A.D. 1903; each of which Debentures shall be dated on the day of the issue thereof and shall be payable within thirty years thereafter.

2. Each of the said Debentures shall be signed by the Mayor of the said Town, or by some other person authorized by By-law to sign the same and also by the Treasurer thereof; and the Clerk of the said Town shall attach thereto the Corporate Seal of the said Corporation.

3. The said Debt and the Debentures issued therefor shall bear interest at the rate of four per cent. per annum from the date thereof and the said Debentures both as to principal and interest shall be payable annually on the Twentieth day of December, at the Merchants Bank of Canada, in the Town of Perth, and shall have attached to them, coupons for payment of the said interest which coupons shall be signed by the Mayor of the said Town of Perth or by some other person authorized by By-law to sign the same and also by the Treasurer thereof.

4. During the currency of the said Debentures there shall be raised in each year by special rate on all rateable property in the said Town, a sum sufficient to discharge the instalment of principal and interest accruing due on the said debt for such year as shown in the Schedule "A" hereto annexed.

5. This By-law shall take effect and come into operation on the final passing thereof.

6. The votes of the duly qualified electors of the said Town of Perth shall be taken on this By-law at the following times and places, that is to say:

On Monday the Twentieth day of July, A.D. 1903, commencing at the hour of Nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day by the following Deputy Returning Officers, that is to say:

Polling subdivision No. 1, East Ward, at the Court House. Robert Jamieson, Deputy Returning Officer.

Polling subdivision No. 2, East Ward, at the East Ward Hose Reel House on Gore Street. Edward Connolly, Deputy Returning Officer.

Polling subdivision No. 3, Centre Ward, at the Steamer Fire Hall. Henry Taylor, Deputy Returning Officer.

Polling subdivision No. 4, Centre Ward, at the Town Hall. John A. Kerr, Deputy Returning Officer.

Polling subdivision No. 5, West Ward, at or near the Music Hall. John Munro, Deputy Returning Officer.

Polling subdivision No. 6, West Ward, at or near the West Ward Hose Reel House on D'Arcy Street. Nicholas Andiso, Deputy Returning Officer.

7. On Monday, the Thirteenth day of July, A.D. 1903, the Mayor of the said Town shall attend at the Council Chamber, at ten o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

8. The Clerk of the said Town shall attend at the said Council Chamber at Ten o'clock in the forenoon of Tuesday the twenty-first day of July, A.D. 1903, to sum up the number of votes given for and against this By-law.

Dated at the Town of Perth, the 27th day of July, A.D. 1903.

(Sgd.) JOHN A. KERR,
Town Clerk.

(Sgd.) J. A. STEWART,
Mayor.
SCHEDULE

SCHEDULE A.

Referred to in the foregoing By-law showing how the amount of \$30,000 thereby required to be raised annually by special rate is apportioned.

Year.	Interest.	Principal.	Total.
1904	\$1,200	\$600	\$1,800
1905	1,176	600	1,776
1906	1,152	600	1,752
1907	1,128	600	1,728
1908	1,104	600	1,704
1909	1,080	600	1,680
1910	1,056	600	1,656
1911	1,032	800	1,832
1912	1,000	800	1,800
1913	968	800	1,768
1914	936	800	1,736
1915	904	800	1,704
1916	872	800	1,672
1917	840	800	1,640
1918	808	1,000	1,808
1919	768	1,000	1,768
1920	728	1,000	1,728
1921	688	1,000	1,688
1922	648	1,000	1,648
1923	608	1,200	1,808
1924	560	1,200	1,760
1925	512	1,200	1,712
1926	464	1,200	1,664
1927	416	1,400	1,816
1928	360	1,400	1,760
1929	304	1,400	1,704
1930	248	1,400	1,648
1931	192	1,600	1,792
1932	128	1,600	1,728
1933	64	1,600	1,664

(Signed) J. A. STEWART,
Mayor.

(Signed) JOHN A. KERR,
Town Clerk.

Take notice that the above is a true copy of a proposed By-law which has been taken into consideration and which will be finally passed by the Council of the Municipality (in the event of the assent of the Electors being obtained thereto), after one month from the first publication in the Perth Expositor, the date of which first publication was the 24th day of June, A.D. 1903, and that the votes of the Electors of the said Municipality will be taken thereon on the day and at the hours and places therein fixed.

(Signed) JOHN A. KERR,
Town Clerk.

CHAPTER 63.

An Act respecting the Town of Perth Electric Lighting System.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Municipal Corporation of the Town of Perth has, by petition, represented that the Council of the said Corporation on the 11th day of January, 1904, finally passed By-law No. 921 of the said Town, intituled "By-law to provide for the purchase of the water-power, plant and equipment of the Perth Electric Light Company, Limited, and for the improvement and extension of the same, and to authorize the issue of debentures of the Town of Perth to the amount of \$12,000 for the purpose of raising the sum required therefor ;" and whereas before the final passing of the said by-law the same was duly submitted to a vote of the ratepayers qualified to vote thereon, in accordance with the provisions of *The Consolidated Municipal Act, 1903*, and was assented to by a large majority of the said ratepayers voting thereon ; and whereas the said Corporation has prayed that an Act may be passed to validate and confirm the said By-law No. 921 of the Town of Perth ; and whereas it has been made to appear that The Canadian Electric and Water Power Company, Limited, is carrying on the business of supplying electric light and power in the said town, and the said last mentioned company has represented that the Corporation of the said town should not be permitted to extend the said works so acquired so as to enter into competition with the said company ; and whereas it is expedient to grant the prayer of the said petition subject to the provisions herein-after contained ;

By-law 921,
to purchase
plant of Elec-
tric Light Co.
confirmed.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. By-law No. 921 of the Corporation of the Town of Perth set forth as a Schedule to this Act and all debentures issued or to be issued thereunder, are validated, confirmed and declared to be legal and binding upon the said municipal corporation. And the said corporation in pursuance of the said By-law No. 921 may purchase and operate to

(to the extent hereinafter mentioned) the plant, equipment and property of the Perth Electric Light Company, Limited, for the purpose of supplying electric light for street lighting and lighting the buildings occupied by the corporation for municipal purposes and the consumers in the said town for commercial, domestic, or other purposes ; but notwithstanding anything in the said by-law contained, the said corporation shall not manufacture or supply incandescent electric light, except for the purpose of lighting the town hall and buildings occupied or used for municipal purposes but for other purposes shall manufacture and supply arc lighting or lighting from a direct arc light current only ; and exclusive of street lighting and the lighting of such municipal buildings and of skating, curling and hockey rinks, the said corporation shall not supply more than forty lights to consumers in the said town for domestic, commercial or other purposes ; and shall not supply electrical power or energy for any purpose. Provided that not more than fifteen of such forty lights may be lights of the description known as Bernstein lights.

2. This Act may be cited as *The Town of Perth Electric Light Act.* Short title.

SCHEDELE.

By-law No. 921.

Seal.

By-law to provide for the purchase of the Water-power, plant and equipment of the Perth Electric Light Company, Limited, and for the improvement and extension of the same, and to authorize the issue of debentures of the Town of Perth to the amount of \$12,000 for the purpose of raising the sum required therefor.

Passed the 11th day of January, 1904.

Whereas the Perth Electric Light Company, Limited, has supplied the Town of Perth with Street Lighting, and it is desirable that the said Town shall purchase the water-power, plant and equipment of the said Company, and make such extensions to, and improvements in, the same as may be required.

And whereas a provisional agreement has been made between the Council of the said Town and the said Company for the sale to the said Town of all the property, plant and equipment of the said Company at the price or sum of \$10,000.

And whereas the sum of \$2,000 is required to make extensions and improvements as aforesaid.

And whereas it is desirable to raise by way of loan for the said purposes the sum of \$12,000, and it will be necessary to issue Debentures of the said Town of Perth for the said sum of \$12,000 as hereinafter provided, which is the debt intended to be created by this By-law, the proceeds of the said Debentures to be applied to the purposes aforesaid and to no other purposes.

And whereas it is desirable to make the principal of the said debt payable by yearly sums during the period of thirty years being the currency of the said Debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the other twenty-nine years of the said period.

And

Town authorized to purchase and operate electric light plant.

And whereas the total amount required by the Municipal Act to be raised in each year by special rate for paying the said debt and interest is the sum sufficient to discharge the instalment of principal and interest accruing due on said debt for such year as shown in the fourth column of Schedule A hereto annexed.

And whereas the amount of the whole rateable property of the Town of Perth according to the last revised assessment roll thereof is \$1,226,775.

And whereas the amount of the existing Debenture Debt of the said town is \$32,135.20 exclusive of local improvement debts secured by special Acts, rates or assessments, of which \$24,655.00 is for principal and \$7,480.20 is for interest, and no principal or interest is in arrear.

Therefore the Corporation of the Town of Perth by the Municipal Council thereof enacts as follows:—

1. For the purpose of raising the sum of \$12,000 to be expended as specified in this By-law Debentures of the said Town to the amount of \$12,000 in sums of not less than \$100 each shall be issued on the twentieth day of January, A.D. 1904, each of which Debentures shall be dated on the day of the issue thereof and shall be payable within thirty years thereafter.

2. Each of the said Debentures shall be signed by the Mayor of the said town or by some other person authorized by By-law to sign the same, and also by the Treasurer thereof; And the Clerk of the said Town shall attach thereto the Corporate Seal of the said Corporation.

3. The said debt and the debentures issued therefor shall bear interest at the rate of four per cent. per annum from the date thereof, and the said Debentures both as to principal and interest shall be payable annually on the twentieth day of December at the Merchants' Bank of Canada, in the Town of Perth, and shall have attached the them coupons for payment of the said interest, which coupons shall be signed by the Mayor of the said Town or by some other person authorized by By-law to sign the same, and also by the Treasurer thereof.

4. During the currency of the said Debentures there shall be raised in each year by special rate on all the rateable property in the said Town, a sum sufficient to discharge the instalment of principal and interest accruing due on the said debt for such year as shown in Schedule A hereunto annexed.

5. This By-law shall take effect upon the final passing thereof.

6. The votes of the duly qualified electors of the said Town of Perth shall be taken on this By-law at the following times and places, that is to say:—

On Monday, the fourth day of January, A.D. 1904, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, by the following Deputy Returning Officers, that is to say:—

Polling sub-division No. 1 East Ward, at the Court House, Robert Jamieson, Deputy Returning Officer.

Polling sub-division No. 2 East Ward, at the east ward hose reel house on Gore Street, Edward Connally, Deputy Returning Officer.

Polling sub-division No. 3 Centre Ward, at the steamer fire hall, Henry Taylor, Deputy Returning Officer.

Polling sub-division No. 4 Centre Ward, at the town hall, John A. Kerr, Deputy Returning Officer.

Polling sub-division No. 5 West Ward, at or near the Music Hall, John Munro, Deputy Returning Officer.

Polling sub-division No. 6 West Ward, at or near the west ward hose reel house, on D'Arcy Street, Nicholas Andison, Deputy Returning Officer.

7. On Tuesday, the twenty-ninth day of December, A.D. 1903, the Mayor of the said Town shall attend at the Council Chamber at ten o'clock in the forenoon to appoint persons to attend at various polling places aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

8. The Clerk of the said Town shall attend at the said Council Chamber at 10 o'clock in the forenoon of Tuesday, the fifth day of January, A.D. 1904, to sum up the number of votes given for and against this By-law.

Dated at the Town of Perth, the 30th day of November, A.D. 1903.
 (Sgd.) JNO. A. KERR, (Sgd.) J. A. STEWART,

Town Clerk.

Mayor.

Schedule A referred to in the foregoing By-law, showing how the amount of \$12,000 thereby required to be raised annually by special rate is apportioned.

Year.	Principal.	Interest.	Total
1904.....	\$300	\$440	\$740
1905.....	200	468	668
1906.....	200	460	660
1907.....	200	452	652
1908.....	200	444	644
1909.....	200	436	636
1910.....	300	428	728
1911.....	300	416	716
1912.....	300	404	704
1913.....	300	392	692
1914.....	300	380	680
1915.....	300	368	668
1916.....	300	356	656
1917.....	300	344	644
1918.....	400	332	732
1919.....	400	316	716
1920.....	400	300	700
1921.....	400	284	684
1922.....	400	268	668
1923.....	500	252	752
1924.....	500	232	732
1925.....	500	212	712
1926.....	500	192	692
1927.....	500	172	672
1928.....	600	152	752
1929.....	600	128	728
1930.....	600	104	704
1931.....	600	80	680
1932.....	700	56	756
1933.....	700	28	728

(Signed) JOHN A. KERR,

Town Clerk.

(Signed) J. A. STEWART,

Mayor.

CHAPTER 64.

An Act respecting the Town of Peterborough.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Municipal Corporation of the Town of Peterborough has by petition prayed that authority may be given to the Commissioners of the Peterborough Town Trust, with the approval of the council of the Town of Peterborough, to invest a portion of the sinking funds received by the said commissioners in the purchase of the buildings and other permanent improvements erected and made by tenants under leases from the said commissioners, on any portion of the Market Block in the said Town vested in the Commissioners; that the real estate, sinking funds and the securities in which the same are invested, which belonged to the former Village of Ashburnham and the real estate purchased under By-law No. 1059 of the Corporation of the Town of Peterborough may be vested in and the management of same conferred upon the said commissioners, with power to the said commissioners with the approval of the said council to lease and sell any such real estate; that section 3 of the Act passed in the Second year of the Reign of His Majesty King Edward the Seventh, chaptered 59 may be amended so as to authorize the raising of \$10,000 in each year for improvements in the waterworks system of the said Town; that By-law No. 1059 of the said corporation intituled "A By-law to authorize the purchase of certain real property required for the use of the Corporation of the Town of Peterborough and to borrow the sum of \$10,000 to pay for same," set forth as Schedule A hereto, which said by-law was submitted to and received the assent of the electors of the said Town as provided by *The Consolidated Municipal Act, 1903*, may be ratified and confirmed and that it may be declared that any debentures issued thereunder shall be deemed to be in addition to those authorized by the Act passed in the 53rd year of the reign of Her late Majesty Queen Victoria chaptered 99; that the said council may be authorized to erect an Isolation Hospital or Hospitals for the treatment of contagious diseases, and to pass by-laws without the assent of the ratepayers for that purpose and for raising money to pay for and equip the same; that the purchase by the Little Lake Cemetery Company of part of lot number 46 and lots number 47 and 57 on registered plan No. 59 for the Town of Peterborough may

may be ratified and confirmed ; that the commissioners of the Town Trust may be authorized, with the approval of the council of the said town and on such terms and conditions as the said council may impose, to grant and convey for a nominal consideration, to the Peterborough Lock Manufacturing Company (Limited) certain lands in the said town now vested in the said commissioners, and that the council of the said town may be authorized to fix, by by-law, the assessment of the same and the buildings and machinery erected or placed thereon at the sum of \$12,000 for a term of ten years on such conditions as may be provided by said by-law ; that the council of the said town may be authorized to fix, by by-law, the assessment of any land in the said town on which an Academy of Music or Opera House may be erected and the buildings thereon used for such purpose at a sum not less than the price paid for said land for a term of ten years on such conditions as may be provided by said by-law ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. It shall be lawful for the Commissioners of the Peterborough Town Trust, with the sanction and approval of the Municipal Council of the said Town of Peterborough first had and obtained, to invest portions of the sinking funds received from the Corporation of the Town of Peterborough, and remaining in said commissioners' hands uninvested, in or towards the redemption of its debenture indebtedness, in the purchase of the buildings and other permanent improvements made and erected by tenants, under leases from the said commissioners, on portions of the Market Block in the said Town of Peterborough, vested in fee simple in the said commissioners under the provisons of the Act passed in the 24th year of the reign of Her late Majesty, Queen Victoria, chaptered 61, and the investment heretofore made, with the sanction and approval of the said council, of the sum of \$4,000 of the said sinking funds by the said commissioners in the purchase of like buildings and improvements on Lots numbers 23 and 24 of said Market Block, is hereby confirmed.

Commissioners
of Town Trust
authorized to
invest sinking
funds in re-
demption of
certain
debentures.

2. That portion of Lot No. 9 south of and adjoining Elizabeth Street, and west of and adjoining Mark Street, in the former Village of Ashburnham, now incorporated with and forming part of the Town of Peterborough, which was vested in the corporation of the said village, and all other real estate vested in the corporation of the said village is hereby declared to be vested in the said commissioners of the Peterborough Town Trust in fee simple under and upon the trusts and with the powers and subject to the duties set forth

Lot 9, south of
Elizabeth
Street, and
other property
declared to be
vested in Town
Trust.

forth in the said above-mentioned Act, and amendments thereto, subject to the leases now existing upon the same; and the said commissioners, with the sanction and approval of the municipal council of the said Town of Peterborough, shall have power and authority to lease the same or any part thereof, or, with the like sanction and approval, either by public auction or private sale, for cash or partly for cash and partly secured by mortgage in fee, to sell, dispose of and to grant and convey the said lands or any part thereof in fee simple and either *en bloc* or by parcels, and to receive and take and apply the rents and purchase moneys received in respect of such leases or sale or sales in or towards the reduction of the debenture indebtedness of the said Town, as may seem most advisable.

Sinking funds
and securities
held by Vil-
lage of Ash-
burnham to
be vested in
town trust.

3. The sinking funds, with the accumulation of interest thereof, and the securities taken and held in respect thereof, by the former Corporation of the Village of Ashburnham, for the redemption of the debenture indebtedness of the said village, and the management thereof and of the said indebtedness and the collection of the sinking funds and interest required in relation thereto from the Corporation of the Town of Peterborough, are hereby declared to be vested in the said commissioners of the Peterborough Town Trust, under and upon the trusts and with the powers and subject to the duties set forth in the said Act, 24 Victoria, Chapter 61 and amending Acts, which shall apply thereto.

2 Edw. VII
c. 59, s. 3,
amended.

4. Section 3 of the Act passed in the Second Year of the Reign of His Majesty King Edward the Seventh, and chaptered 59, is hereby amended by striking out the figures 5,000 in said section and substituting the figures 10,000 therefor.

By-law 1,059
of Town of
Peterborough
confirmed.

5. By-law No. 1,059 of the Corporation of the Town of Peterborough passed on the eleventh day of January, 1904, entitled, "A By-law to authorize the purchase of certain real property required for the use of the corporation of the Town of Peterborough, and to borrow the sum of \$10,000 to pay for the same," which by-law is set out as Schedule A hereto, is confirmed and declared legal, valid and binding and any debentures issued under said By-law No. 1,059 shall be deemed to be in addition to those authorized by the Act passed in the 53rd year of the reign of Her late Majesty Queen Victoria, chaptered 99; and the said real property shall be vested in the said commissioners of the Peterborough Town Trust in fee simple upon the trusts, and with the powers and subject to the duties set out in said Act passed in the 24th year of the reign of Her said late Majesty Queen Victoria, chaptered 61, and amending Acts, and upon the additional trust that the said commissioners shall permit the Corporation of the Town of Peterborough to take and remove any soil, stone, gravel and sand therefrom that may be required

required by the said corporation, and to use and occupy any part thereof, or the buildings thereon, for any purpose that the said corporation may require, free of rent, or to erect buildings thereon and the same to use and occupy free of rent; and the said commissioners, with the sanction and approval of the municipal council of the said Town of Peterborough, shall have power and authority to lease the same or any part thereof, or, with the like sanction and approval, either by public auction or private sale, for cash or partly for cash and partly secured by mortgage in fee, to sell, dispose of and to grant and convey the said lands or any part thereof in fee simple and either *en bloc* or by parcels, and to receive and take and apply the rents and purchase moneys received in respect of such leases or sale in or towards the reduction of the debenture indebtedness of the said Town, as may seem most advisable.

6. It shall be lawful for the council of the Corporation of the Town of Peterborough, without the assent of the rate-payers of the said municipality, to pass by-laws, from time to time, for the purpose of providing for the erection of an Isolation Hospital or Hospitals for the treatment of contagious diseases, and the equipment thereof, and to provide for and authorize the borrowing on the credit of the municipality of the sum necessary for such purpose not exceeding in the whole \$15,000, and to issue the debentures of the Corporation therefor, and to sell, pledge and dispose of same, and the provisions of sections 396, 399, 401, 429 and 431 of *The Consolidated Municipal Act, 1903*, shall apply to such by-laws and the debentures issued thereunder.

Authority to
pass by-law
without assent
of electors to
erect Isolation
Hospital.

³ Edw. VII.,
c. 19.

7. The purchase by the Little Lake Cemetery Company of part of lot No. 46 and lots Nos. 47 and 57 on Plan No. 59 for the Town of Peterborough, containing about half of an acre of land, being a parcel of land within the said Town, and lying to the west of and adjoining the cemetery already existing, and on which said parcel the said company has erected an office and place of residence for the company's superintendent, is confirmed.

Purchase of
Lots 46 and 47
on Plan 59 by
Little Lake
Cemetery Co.
confirmed.

8. It shall be lawful for the Commissioners of the Peterborough Town Trust, with the sanction and approval of the municipal council of the said Town of Peterborough first had and obtained, and on such terms and conditions as the said council may fix or impose, to grant and convey for a nominal consideration to the Peterborough Lock Manufacturing Company (Limited) lots numbers ten and eleven north of Perry Street and lot number ten and the south half of lot number eleven south of Rink Street, all west of George Street in the said Town of Peterborough.

Conveyance to
Lock Com-
pany
authorized.

9. It shall be lawful for the council of the Town of Peterborough, without the assent of the ratepayers of the said municipality, by by-law to fix the assessment of the said land in section 8 set out and all buildings, improvements, plant, machinery and fixtures that may be erected or placed thereon at the sum of \$12,000 for a term not exceeding ten years, upon and subject to such terms, provisions and conditions as may be provided by said by-law, and after the passing of the said by-law the assessors and other officers making the said assessment are hereby authorized to make their assessment and returns in respect thereto so as to conform to the provisions of the said by-law.

Fixing assessment
of
Opera House,

10. It shall be lawful for the council of the Corporation of the Town of Peterborough, without the assent of the ratepayers of the said municipality, by by-law to fix the assessment of any land in the said town on which an Academy of Music or Opera House may hereafter be erected together with such portion of the buildings and erections thereon as may be and while used for the purposes of an Academy of Music or Opera House at a sum not less than the price paid for said land, for a term of ten years upon and subject to such terms, provisions and conditions as may be provided by said by-law, and after the passing of the said by-law the assessors and other officers making the said assessment are hereby authorized to make their assessment and returns in respect thereto so as to conform to the provisions of the said by-law.

Exemption of
Y.W.C.A.
from taxation,

11. The buildings to be erected for the Young Women's Christian Association in the Town of Peterborough and the land whereon the same shall be erected shall, so long as the same are occupied by and used for the purposes of the said Association, be, and the same are hereby declared to be exempt from taxation for municipal and school purposes.

SCHEDULE A.

By-law No. 1059.

A By-law to authorize the purchase of certain real property required for the use of the Corporation of the Town of Peterborough and to borrow the sum of ten thousand dollars to pay for the same.

Passed this eleventh day of January, 1904.

Whereas the Corporation of the said Town of Peterborough requires to secure land from which to obtain stone, gravel and sand for use on the streets and for constructing sidewalks in the said Town of Peterborough and for other municipal purposes, and has obtained an option for the purchase, at the sum of ten thousand dollars, of the following parcels of land situate in the said Town of Peterborough, namely, Lots numbers 22, 23, 26, 27, 28 and 29 in Block A on registered plan Number 14 for the Town of Peterborough. Lots numbers 2, 5 and 6 in Block D on said plan; lot number 7 in said Block D except the south forty feet thereof; Lots numbers 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18 and 19 in Block E on said Plan, Lot number 20 in said Block E, except the part conveyed

conveyed to one John C. Higgins by registered instrument No. 12,412 for the Town of Peterborough, all Block G on said Plan, and all Block F on said Plan, subject to a right of way on said Block F ten feet in width, extending from Water street along the north side of lot number one in said Block D, heretofore granted to the owner of said lot one.

And whereas the said parcels of land are well suited for the said purposes, and it is desirable to authorize the purchase thereof at the said price and the borrowing of the said sum of ten thousand dollars to pay therefor, which is the amount of the debt intended to be created by this by-law.

And whereas in order to raise the said sum of ten thousand dollars required for the said purposes it will be necessary to issue the debentures of the said Corporation for the said amount.

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll being for the year 1903, is the sum of four million, four hundred and eighty-nine thousand, eight hundred and eighty dollars (\$4,489,880).

And whereas the amount of the existing debenture debt of the Municipality, exclusive of local improvement debt, but including the debt of \$230,000 incurred for the purchase of the waterworks, is the sum of five hundred and sixteen thousand, seven hundred and ninety dollars and seven cents (\$516,790.07), and there is no part of the principal or interest in arrear.

And whereas it will require the sum of \$400 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law to pay the interest of the said debt, and the sum of \$372.16 to be raised annually during the said period for the payment of the debt to be created by this by-law, such last mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes payable, making in all the sum of \$772.16 to be raised annually, as aforesaid.

The Corporation of the Town of Peterborough by the Council thereof therefore enacts as follows:—

1. This By-law shall take effect on the date of the final passing thereof.

2. It shall be lawful for the Council of the said Town of Peterborough to obtain, acquire and purchase the real property above mentioned and to borrow the sum of ten thousand dollars to pay for the same, and to issue debentures of the said Corporation for the said sum, such debentures to be sealed with the Corporate Seal of the Town of Peterborough, and to be signed by the Mayor and Treasurer, and countersigned by the Secretary of the Commissioners of the Peterborough Town Trust, to be payable within twenty years after issue thereof, and to bear interest at the rate of four per centum, payable half yearly on the thirtieth day of June and the thirty-first day of December in each year, and to have coupons attached thereto for the payment of such interest. Such debentures as to principal and interest to be payable at the office of the Secretary of the Commissioners of the Peterborough Town Trust in the Town of Peterborough.

3. There shall be raised and levied during each year of the currency of the said debentures by a special rate upon all of the rateable property in the Town of Peterborough the sum of \$400 for payment of the interest and the sum of \$372.16 as a sinking fund for the payment of the said debt at the maturity thereof, making together the sum of \$772.16.

4. The proceeds of the said debentures when sold shall be applied in paying the purchase money for said real property.

5. The votes of the duly qualified electors of the Town of Peterborough shall be taken upon this by-law on Monday, the fourth day of January, 1904, commencing at the hour of 9 o'clock in the forenoon and closing at the hour of 5 o'clock in the afternoon of the same day, at the following polling places and before the following Deputy Returning Officers respectively, that is to say:—

Ward No. 1.

Polling Sub-division No. 1.—At M. H. Halpin's shop, No. 39 George street. Angus Williams to be Deputy Returning Officer.

Polling Sub-division No. 2.—At Lewis Spry's shop, No. 210 Stewart Street. Joseph Lundy to be Deputy Returning Officer.

Ward No. 2.

Polling Sub-division No. 3.—At the Town Council Chamber. Charles Cameron to be Deputy Returning Officer.

Polling Sub-division No. 4.—At Greene Bros.' store, No. 352 Charlotte street J. M. Greene to be Deputy Returning Officer.

Ward No. 3.

Polling Sub-division No. 5.—At J. & W. Metheral's shop, No. 464 Aylmer Street. Joseph Metheral to be Deputy Returning Officer.

Polling Sub-division No. 6—Wm. McCall's shop, No. 329 McDonnel Street. John Irwin to be Deputy Returning Officer.

Ward No. 4.

Polling Sub-division No. 7.—At Wm. Lee's shop, Smith Street. John Kincaid to be Deputy Returning Officer.

Ward No. 5.

Polling Sub-division No. 8.—At the Village Council Chamber. John T. Wright to be Deputy Returning Officer.

Polling Sub-division No. 9.—At the Village Market Building. Thomas Q. Quartermaine to be Deputy Returning Officer.

6. The 5th day of January, 1904, at the hour of 12 o'clock noon and the Town Council Chamber are hereby fixed as the time when and the place where the Clerk will sum up the number of votes given for and against the By-law.

7. The 2nd day of January, 1904, at the hour of twelve o'clock noon, and the office of the Town Clerk, are hereby fixed as the time and place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the Clerk respectively, on behalf of the persons interested in, and promoting or opposing the passing of the By-law respectively. (Signed)

HENRY BEST,

Chairman.

S. R. ARMSTRONG,

Town Clerk.

CHAPTER 65.

An Act to consolidate a portion of the Debt of the Township of Romney.

Assented to 26th April, 1904.

WHEREAS the Corporation of the Township of Romney, Preamble. in the County of Kent, have, by their petition, shown that uncertainty existed in the Township of Romney as to the financial condition of the said township, and certain ratepayers therein by requisition in writing requested the Provincial Municipal Auditor to audit the books, accounts, vouchers and moneys of the said corporation, and, by Order in Council dated the 16th day of July, 1902, approved by His Honour the Lieutenant-Governor, F. H. Macpherson, F. C. A., was instructed and empowered to make an inspection, examination and audit of the books, accounts, vouchers and moneys of the said corporation under the provisions of Chapter 228 of the Revised Statutes of Ontario, 1897, and that in pursuance of the said Order in Council the said F. H. Macpherson made an inspection, examination and audit of the various accounts of the said corporation and reported the same to the council of the said corporation on the 5th day of December, 1903; and that, as the said Report did not cover the accounts for the year 1903, the council of the corporation by by-law passed on the 13th day of January, 1904, authorized the said F. H. Macpherson to audit the accounts of the said corporation up to December 31st, 1903, and the said F. H. Macpherson duly audited the accounts of the said corporation up to December 31st, 1903, and reported the same to the said corporation on the 6th day of February, 1904; and that upon the said reports of the said F. H. Macpherson being received, the council and ratepayers of the said township then learned that an unprovided for indebtedness had accumulated amounting to the sum of \$4,500, for which amount the corporation is justly liable; the said sum being made up of the following items:—(a) \$1,937.41, portion thereof, arising from the raising of that amount by the council of the said township in 1889 for the purpose of retiring a Tunnel Drain Debenture, but the said amount was used for the general purposes of the township and did not go to pay the said Tunnel Drain Debenture, and one of the said Tunnel

Tunnel Drain Debentures for \$1,937.41 is still unprovided-for ; (b) \$585, portion thereof, for interest at 3 per cent. per annum on the said sum of \$1,937.41, improperly applied by the council of said township as aforesaid from 1889 until the present time ; (c) \$905.69, portion thereof, for loss upon realization on sale of debentures in respect of the following drains, together with interest thereon at three per cent. per annum to date, that is to say :—

<i>Re Tunnel Drain</i>	\$347 00
“ Gahan Drain	176 62
“ Coatsworth & Robinson Extension Drain.....	133 75
“ Yellow Creek Drain	248 32
 Total.....	 \$905 69

the said loss arising on account of the par value (with accrued interest) of the said debentures not being paid over to the township as required by terms of sale and the deficiency being uncollectable, (d) \$200, portion thereof, interest on moneys collected by the township in respect of other drains and in excess of the cost of the work on such drains, (e) \$536, portion thereof, being the cost of the special audit of the accounts of the said corporation by said F. H. Macpherson, (f) \$336, portion thereof, arising from unforeseen expenditure for goods supplied to persons afflicted with small-pox during the small-pox epidemic in the said township in 1903, the said sum of \$336 being uncollectable by the corporation from the parties so supplied with goods by reason of the poor circumstances and bad financial condition of such parties ; and it was then also learned by the council and ratepayers of the said township that, while the said unprovided-for indebtedness was accumulating, the said corporation was paying all interest on the outstanding debentures of the corporation, and in addition thereto was reducing the principal indebtedness of the corporation very much more than the same was added to or would be increased by the said \$4,500 or the debentures to be issued therefor ; and that the said corporation have deemed it impracticable to continue to pay such debenture indebtedness by instalments as heretofore and at the same time levy for the sum of \$4,500 ; and the said corporation desire to pay off the said \$4,500 by instalments and, for that purpose, deem it advisable to issue and sell debentures of said corporation for the sum of \$4,500 and interest at five per centum per annum so as to pay off the said indebtedness in five consecutive annual instalments (including principal and interest extending over such five years) in such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period ; and whereas the said corporation has by its petition prayed that an Act may be passed to consolidate the said unprovided for indebtedness

indebtedness at the sum of \$4,500, and to authorize the said corporation to issue and sell debentures of the said corporation to that amount and interest for the purpose of paying the said unprovided-for indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the Corporation of the Township of Romney unprovided for as hereinbefore mentioned are hereby consolidated at the sum of \$4,500; and it shall be lawful for the said Corporation of the said Township of Romney to raise by way of loan, on the credit of the debentures herein-after mentioned, and by this Act authorized to be issued, from any person or persons, or body corporate, a sufficient sum or sufficient sums to retire and pay the said debts making up the said unprovided-for indebtedness amounting to \$4,500 exclusive of interest thereon.

Debt consolidated and debentures for \$4,500 authorized.

2. It shall be lawful for the said Corporation of the Township of Romney to pass a by-law for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100 each, and not exceeding \$4,500 in the whole, for principal money and interest calculated at the rate of five per centum, per annum for five years as the said corporation may from time to time direct; and the principal sums secured by the said debentures and the interest included therein may be payable at such place or places as the said corporation may deem expedient.

Issue of debentures.

3. The corporation of the said township may, for the purposes in section 6 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures or any part thereof or may exchange the same or any part thereof for any outstanding debentures representing any part of the debt so being consolidated or interest thereon; or may pledge said debentures or any part thereof, or borrow money thereon for the purpose of paying or redeeming such outstanding debentures from time to time and upon such terms as they may deem expedient and can agree upon.

Power to sell or borrow on debentures.

4. The said debentures to be issued under this Act shall be payable in each year after the said by-law takes effect for a period not exceeding five years from and after the 15th day of June, 1904, and so that the aggregate amount payable for principal and interest at five per cent. per annum in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the

Payment of debentures and interest.

the period within which the debt is to be discharged ; and the said debentures shall be payable yearly on the 15th day of June in each and every year at the place mentioned therein

Special rate.

5. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due in each year for principal and interest in respect of the debentures to be issued under this Act, to be called "The Consolidated Debenture Rate"; and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

Application of
proceeds of
debentures.

6. The said debentures, or any moneys arising therefrom whether by exchange, sale, pledge or otherwise, shall be applied by the said corporation in the redemption or payment of the said debts making up the unprovided-for indebtedness of the Corporation of the Township of Romney aforesaid to the amount of, in all, not more than \$4,500 and interest thereon, and in no other manner and for no other purpose whatsoever; and such debentures may be known as "The Consolidated Debt Debentures."

By-law not to
be repealed
until debt
satisfied.

7. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law shall be satisfied.

Assent of elec-
tors not
required.

3 EDW. VII.,
c. 19.

8. It shall not be necessary that any by-law which shall be passed for the issue of any of the debentures, the issue of which is authorized by the foregoing provisions of this Act, shall be submitted for the approval or receive the assent of the ratepayers of the said Township of Romney in accordance with the provisions of *The Consolidated Municipal Act, 1903*, and it shall be sufficient if any such by-law be in the form in Schedule B to this Act set forth or to the like effect, notwithstanding the provisions of the said Act.

Treasurer to
keep proper
books of
account.

9. It shall be the duty of the treasurer, for the time being of the said township to keep, and it shall be the duty of each of the members, from time to time, of the said council to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and proper statement, so that the same shall at all times show the number of debentures, from time to time, which shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said township, and of any of the

the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred.

10. Nothing in this Act contained shall be held or taken to discharge the corporation of the Township of Romney from any indebtedness or liability which may not be included in the said debts, making up the said unprovided-for indebtedness, and amounting to the sum of \$4,500 of the said Township of Romney. Indebtedness of town not discharged.

11. The debentures issued under this Act may be in the form contained in Schedule A to this Act, and the by-law authorizing the same may be in the form contained in Schedule B to this Act or to the like effect. Form of debentures.

12. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in the by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to or to see to the application of the purchase money or of money loaned thereon, or the necessity of passing such by-law, or issue of debentures; and any of the said debentures which shall purport to have been issued under the authority of this Act shall be conclusively presumed in favour of the purchaser or holder thereof to have been so issued. Inconsistent enactments not to apply.

13. This Act may be cited as *The Romney Debenture Act*, short title. 1904.

SCHEDULE A

(Section 11.)

Consolidated Debt Debenture.

Province of Ontario, Township of Romney.

Under and by virtue of The Romney Debenture Act, 1904, and by virtue of By-law Number of the Corporation of the Township of Romney passed under the Provisions contained in the said Act the Corporation of the Township of Romney promise to pay the bearer at in the of the sum of on the

day of one thousand nine hundred and

Dated at the Township of Romney, in the County of Kent, this day of A.D. 19

(Cor. Seal.)

Reeve.
Treasurer

SCHEDULE.

SCHEDEULE B.

(Section 11.)

By-Law No. To Authorize the Issue of Debentures Under the Authority of The Romney Debenture Act, 1904.

Whereas the said Act authorizes the issue of debentures for the purpose herein mentioned to be known as "Consolidated Debt Debentures" not exceeding the sum of \$4,500.00 and interest thereon in the whole as the Corporation of the Township of Romney may in pursuance of and in conformity with the provisions of the said Act direct.

And whereas for the purpose mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$4,500 payable on the 15th day of June in each year for five years with interest at the rate of 5 per cent. per annum computed from the date of such debentures, the said debentures being of such amounts that the aggregate sum payable for principal and interest in any year is to be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period of five years.

And whereas the amount of the whole rateable property of the said Township of Romney according to the last revised assessment roll of the said Township being for the year 19 was \$

Therefore the Municipal Corporation of the Township of Romney hereby enacts as follows :

1. That debentures under the said Act and for the purposes therein mentioned to be known as "Consolidated Debt Debentures" to the extent of the sum of \$4,500 and interest at five per cent. per annum for five years, are hereby authorized and directed to be issued and the same shall be payable in five equal annual consecutive instalments at the of in the of and the said debentures shall be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period of five years.

2. For the payment of such debentures the sum of \$ shall be raised and levied by a special rate sufficient therefor on all the rateable property in the Township of Romney in the year 19 and for four succeeding years pursuant to said Act.

This By-law passed in open Council this day of in the year of our Lord, one thousand nine hundred and

CHAPTER 66.

An Act respecting the City of St. Catharines.

Assented to 26th April, 1904

WHEREAS the Corporation of the City of St. Catharines Preamble.
has by petition represented that the said city corporation was by an Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 92, empowered to issue debentures to an amount not exceeding in the whole the sum of \$150,000 for the purposes therein more fully set forth; that none of the debentures so authorized as aforesaid have been issued; that it is very improbable that the said city corporation will ever proceed with the work authorized by the said Act and which was the principal object thereof, that is to say, the construction and maintenance of a canal or hydraulic raceway from a point on the Beaverdam creek above the reservoirs of the St. Catharines Water Works, in the Township of Thorold, or from a point on the Welland Canal, between the Town of Thorold and Higgin's Flume to a point on or under the Niagara escarpment in the neighbourhood of De Cew Falls, and the development of a water power in connection therewith; and whereas the said city corporation has also represented that it has caused to be prepared, plans for a thorough sewerage system for the said city, the construction of which it will not be able to provide for out of the ordinary revenues of the said city, and is desirous of completing the same and of being empowered to charge an annual rental for the use of the said sewers which will materially add to the revenues of the said city; and is also desirous of permanently improving its streets and highways and of aiding in the construction of permanent streets and highways by contributing as the city's proportion a liberal share of the cost of said permanent streets and highways which shall be constructed as local improvements; and whereas the said city corporation has also represented that, by reason of the fact that the old Welland Canal runs through said city, the said city has no means of communication on the level with the larger portion of the County of Lincoln which lies to the west or with the adjacent County of Welland which lies to the south of the said city, and the want of such communication has resulted in material loss to the business interests of the said city and has retarded

retarded its growth in wealth and population, and that the only means of establishing such communication with the country to the west and south of the said city is by means of the construction of a high level bridge for foot and carriage travel and electric, street or steam railway purposes across the said old Welland Canal in the said city; and the said city corporation has prayed that it may be empowered to issue the debentures authorized to be issued by the said recited Act for any or all of the purposes hereinbefore set forth, in addition to those mentioned in the said Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

City authorized to issue debentures under 63 V., c. 92, s. 15.

1. It shall be lawful for the Corporation of the City of St. Catharines and they are authorized and empowered to issue the debentures mentioned and referred to in section 15 of the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria Chaptered 92 and authorized by the said Act, and to expend the money borrowed upon such debentures for any or all of the following purposes, in addition to those mentioned in the said recited Act, that is to say;—

Application of proceeds to certain works and improvements.

(a) The construction of permanent highways and streets in said city;

(b) The construction of main or trunk sewers;

(c) To improve the present streets and highways and to improve, repair or enlarge the present sewers;

(d) To pay the said city corporation's proportion of the cost of construction of any permanent highways or streets, or of any sewers or drains, or of any bridge, constructed as local improvements under the provisions of *The Consolidated Municipal Act, 1903*.

3 Edw. VII.. c. 19.

(e) For subscribing and paying for shares in the capital stock of any street or electric railway company now running into said city or which may hereafter propose or agree to run into or through said city, or for aiding by way of gift or loan of money any such railway company;

(f) The construction over and across the old Welland Canal at any point in said city which the council thereof may determine of a high level bridge for foot and carriage travel and steam and electric and street railway purposes, or any of such purposes, and to pay the share or proportion of the cost of the construction of any such bridge which the said city corporation may agree with any person, company or corporation constructing such bridge to pay.

2. It shall and may be lawful for the council of the City of St. Catharines to pass by-laws for the purpose of raising money for the purposes in the preceding section mentioned or any of them, provided that a by-law for any of such purposes (save and except any by-law passed for the purpose of raising money for the purposes mentioned in clause (d) of said section) before being finally passed shall have received the assent of a majority of the ratepayers qualified to vote on a by-law for contracting a debt and who shall vote on the said by-law in manner provided by *The Consolidated Municipal Act, 1903*. It shall not be necessary to submit any by-law passed for the purpose of raising money for the purposes mentioned in clause (d) of the said preceding section to, or to have the assent of the electors thereto; but any such by-law shall require an affirmative vote of three-fourths of the members of said council.

3. The Corporation of the City of St. Catharines is authorized and empowered to construct, maintain and operate over and across the old Welland Canal, at any point in the said city which the council of the said city may determine, a high level bridge for foot and carriage travel and steam and electric and street railway purposes, or for any such purposes; and to acquire, (by purchase and agreement or by expropriation the said corporation making due compensation therefor under the provisions of *The Consolidated Municipal Act, 1903*), such lands as may be required for the said bridge and its necessary structure and supports and for all necessary approaches thereto which may be required for connecting the said bridge with any street or highway or with the property of any steam or electric or street railway company on either side of the said old Welland Canal; and it shall and may be lawful for the said city corporation either to construct the said bridge wholly at the expense of the said city or to enter into any agreement with any street or electric railway company or any steam railway company respecting the construction by any such railway company of the said bridge, either wholly at the expense of such railway company or partly at the expense of such railway company and partly at the expense of the said city corporation; provided that said bridge shall not be constructed either wholly or partly at the expense of the said city corporation until a by-law authorizing the construction thereof and showing the estimated or probable cost thereof and the proportion of such cost to be borne or paid by the said city corporation has been submitted to and has received the assent of a majority of the ratepayers of the said city qualified to vote on a by-law for creating a debt and who shall vote on such by-law, in manner provided by *The Consolidated Municipal Act, 1903*.

4. The Corporation of the City of St. Catharines is authorized to enter into any agreement with any railway company Agreements as to use of bridge by railway companies.

By-laws for borrowing on debentures.

3 Edw. VII., c. 19.

When assent of electors not required.

High level bridge over canal.

3 Edw. VII., c. 19.

company constructing the said bridge as aforesaid, respecting the use by the said railway company of the said bridge for the purposes of the said railway company, and the amount of compensation (if any) to be paid by the said railway company to the said city corporation for such use, and also respecting the use of the said bridge by any other railway company or companies which may desire to use the said bridge, and the amount of compensation to be paid by such other railway company or companies, either to the said city corporation or partly to the said city corporation and partly to such company constructing the said bridge as aforesaid; and the said city corporation may also enter into any agreement with any other railway company or companies which may desire to use the said bridge respecting the use thereof by such other railway company or companies and the amount of compensation to be paid by such other railway company or companies to the said city corporation therefor

**Tolls for use
of bridge.**

5. It shall and may be lawful for the Corporation of the City of St Catharines in case the said bridge shall be constructed either wholly or partly at the expense of the said city corporation to charge such reasonable tolls for the use of the said bridge by the general public, either on foot or by vehicles, or by any electric or street railway company, or by any cartage company as shall be approved by an affirmative vote of three-fourths of the members of the council of said city.

**Debentures
for construc-
tion to be a
first charge
on bridge.**

6. It shall be lawful for the Corporation of the City of St. Catharines, in case the said bridge shall be constructed either wholly or partly at the expense of the said city corporation, to enact by the by-law authorizing such construction that the debentures issued by the said city corporation to pay for the cost of such construction shall be and continue a first charge or lien on the said bridge and the approaches thereto until the debt which such debentures represent is fully paid.

**Contracts for
construction
of bridge as a
toll bridge.**

7. The Corporation of the City of St. Catharines is authorized to enter into an agreement with any person, firm, company or corporation for the construction by such person, firm, company or corporation of the said high level bridge as a toll bridge, and to agree with any such person, firm, company, or corporation as to the rate of tolls to be charged for the use of the said bridge and the term or period of years during which the said person, firm, company or corporation shall be entitled to the receipt of the said tolls, and as to the terms or manner of the taking over or acquiring of the said bridge by the said city corporation from such person, firm, company or corporation so constructing the said bridge as aforesaid; provided that no such agreement shall be entered into until a by-law setting forth the terms of any such agreement has been submitted to and has received the assent of the electors of the said city entitled to vote at elections for members of the municipal council in

Provis.

8. The provisions of sections 13, 14 and 15 of the said Act, 63 V. c 92, chapter 92 of 63rd Victoria, shall apply to the by-law or ss. 13-15, to apply to by-laws to be passed by the said city corporation under the debentures. provisions of this Act and to the debentures or any of them authorized to be issued by this Act or any by-law or by-laws passed in pursuance thereof.

9. Sub-section 2 of section 539 of *The Consolidated Muni- Application of
cipal Act, 1903*, shall apply to all persons who own or occupy 3 Edw. VII,
property in the City of St. Catharines which is drained into c. 19, s. 539,
a common sewer the cost of which has been defrayed out of subs. 2 as to
the general funds of the municipality, or which by any by- sewer rents.
law of the council is required to be drained into such sewer,
notwithstanding that any such person or his predecessor in title
may have heretofore paid to the said city corporation a nominal sum for the privilege of connecting with the said
common sewer; but in any such case the amount so paid by
any such person or his predecessor in title shall be allowed
pro tanto in reduction or payment of the annual sewer rental
which shall be imposed by any by-law of the said city
corporation or of the amount fixed by the said by-law in
commutation of, or as a gross sum in lieu of, such sewer
rental. Where any such common sewer, the cost of which
has been defrayed out of the general funds of the municip-
ality, has been heretofore constructed across or through
the lands of any private person by virtue of the grant by
such person of any easement or permission for that purpose
and as a consideration or part consideration for the grant of
such easement or permission the said city corporation has
granted to such person the right or privilege to connect with
or drain his premises into such common sewer, then and in
every such case, the right or privilege so granted to such
person shall be held and considered to have been granted to
such person only, and for and in respect only of such houses
or buildings as were erected on the said lands at the time of the
grant of such easement or permission as aforesaid, and not for
or in respect of any houses or buildings subsequently erected
on the said lands.

10. Sub section 2 of section 2 of chapter 78 of the Acts 3 Edw. VII,, passed in the 3rd year of the reign of His Majesty King Edward c. 78, s. 2,
the Seventh is repealed and the following substituted therefor : subs. 2, repealed.

(2) The said debentures may be issued from time to time Issue of
and at such times and in such amounts as the said water- water works
works commission shall by resolution determine. debentures.

CHAPTER 67.

An Act respecting the Municipality of Sault Ste. Marie.

Assented to 26th April, 1904.

Preamble.

WHEREAS The International Transit Company, The Lake Superior Power Company, The Algoma Steel Company, Limited, The Algoma Central and Hudson Bay Railway Company, The Tagona Water and Light Company and The Algoma Commercial Company, Limited, have petitioned that an Act might be passed confirming and declaring to be legal, valid and binding By-law No. 398, and that the said Municipality of Sault Ste. Marie might be authorized to enter into agreements in conformity therewith; and whereas the said By-law No. 398 purported to fix the taxes which should be assessable against the lands of the said several companies in the said municipality at the sum of \$5,000 per annum for the period of twenty-five years, and to grant to The International Transit Company and Tagona Water and Light Company franchises for the operation of their respective companies upon the streets and highways within the said municipality during the said period of twenty-five years; and whereas the said by-law was submitted to the ratepayers of the said municipality and was approved by a majority thereof; and whereas the councils of the said municipality for the years 1903 and 1904 were dissatisfied with the provisions of the said by-law, and the councils for the said municipality opposed the confirmation thereof, and it has been agreed that the rights and privileges granted under the said by-law should be modified, and that the taxes for the year 1903 should be fixed at the sum of \$10,000 instead of \$5,000 as provided for in the said by-law; and whereas the council of the said corporation has approved of the agreement set forth in Schedule A to this Act, and it is expedient that the said agreement should be confirmed, and whereas application has been made for the incorporation of the Town of Steelton apart from the Municipality of Sault Ste. Marie; and whereas representatives of the said municipalities and the said companies have appeared and approved of the provisions hereof and no objection has been made thereto from any source; and whereas it is expedient to make provision for giving effect to such applications
Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The agreement set forth in Schedule A to this Act is hereby confirmed and the same is declared to be legal and valid. Agreement with Municipality of Sault Ste. Marie confirmed.
2. The Municipality of Sault Ste. Marie shall, and it is hereby authorized to, accept the sum of \$10,000 in full of the taxes for the year 1903 assessed against the said several companies mentioned in the said agreement, and the lands and property thereof, including school taxes. Taxes for 1903 fixed at \$10,000.
3. The taxes, including school taxes, which shall be payable in respect of the properties from time to time subject to the agreement set forth in said Schedule A are hereby fixed subject to the provisions of the said agreement at the sum of \$5,000, herein called the "Specific tax," for the year 1904, and the succeeding twenty-three years, and the said several companies parties to the said agreement and the companies mentioned therein, their successors and assigns, shall not, nor shall the lands from time to time subject to the said agreement during the said period be liable for any other taxes for general municipal or school purposes, but excluding local improvement rates, than the said specific tax, except as therein or herein provided. Taxes for subsequent years.
4. If, while the said agreement remains in force, the company or companies entitled to the benefit of the said agreement, or a majority of them, their successors or assigns, shall by written notice left with the clerk of the corporation, within whose limits the same shall be situate, require, any part of the lands subject to the said specific tax to be assessed in the then next ensuing or any future assessment in the ordinary way, or if the then owner of any such land entitled to the benefit of the said specific tax shall consent in writing that such property shall be so assessed, it shall be the duty of the assessor to so assess the same, and notwithstanding the provisions of the said agreement, taxes may be levied in respect of such assessment, and such taxes when paid shall be credited upon the specific tax for the year for which the same shall be levied, but the corporation shall not be liable to damages or otherwise for any failure or neglect in connection with the levy or collection of such taxes and shall only be chargeable with the same when actually received by it. Companies may require lands to be assessed and be credited with taxes thereon.
5. The Lake Superior Power Company, The Algoma Steel Company, Limited, The Algoma Commercial Company, Certain companies included in agreement. Limited, and each of them, their and each of their successors and assigns, shall be entitled to the benefit of the said agreement, as if parties thereto, and be bound by the provisions thereof, save as hereinafter provided.

Rights of bondholders not affected.

6.—(1) Nothing contained in the said agreement or in this Act shall prejudice or affect the rights of any of the holders of the bonds of the said several companies mentioned therein, or the title of the trustees for the said bond holders, to the lands, premises and property vested in them as security for the said bonds, nor shall the said agreement or this Act impose any personal liability upon the Central Trust Company of New York or B. F. Fackenthal, Jr., parties to the said agreement; nor shall anything contained in the said agreement or in this Act operate as a recognition of the legal status of the said Central Trust Company of New York as mortgagees or trustees or of the said B. F. Fackenthal, Jr., as Receiver, or of the said bondholders or of the right or title of them or any of them to the lands and property or any portion thereof referred to in the said agreement, or in this Act, nor prejudice or affect in any way the rights of the said Companies, to wit The Lake Superior Power Company, The Algoma Steel Company, Limited, The Algoma Commercial Company, Limited, and The Sault Ste. Marie Pulp and Paper Company, or any of them, or of the Liquidator of any of the said companies, or the Algoma Central and Hudson Bay Railway Company or the creditors thereof as against the said Central Trust Company of New York, the said B. F. Fackenthal, Jr., or the said bondholders or any of them in respect of the said lands and property or any portion thereof, (nor shall the Algoma Steel Company, Limited, while in liquidation be liable under or subject to Clauses 13, 14 and 15 of the said agreement,) but the sum of \$20,000 mentioned in the said clause 14 shall continue and be a first lien and charge on the legal estate in the property known as The Steel Plant and the lands connected therewith, and should default be made on the part of the owners of the legal estate of The Steel Plant under the provisions of the said Clauses 13, 14 and 15 the Corporation shall be at liberty on the happening of such default upon application to the Court to commence proceedings forthwith to enforce such lien or charge to the extent provided in the said agreement even should such owners be then in liquidation.

(2) The said agreement shall not, except as therein provided, apply to the Tagona Water and Light Company, without its assent thereto, and the said Company shall be at liberty from time to time to request that its property shall be assessed in the same manner as other property liable to assessment, and it shall be thereupon so assessed, but the amount of taxes collected by virtue of such assessment shall nevertheless be credited upon the said specific tax.

(3) The said specific tax shall be apportioned as between themselves among the different parties or companies having the benefit of the said specific tax in such manner as shall be agreed upon between them, and failing agreement, by the Senior Judge of the District, subject to an appeal to the Divisional Court, and the said Senior Judge and the Divisional Court

Court may determine by and to whom the costs of any determination or appeal shall be borne and paid.

7. On and after the passing of this Act that portion of the Municipality of Sault Ste. Marie, in the District of Algoma, described as follows, that is to say : Broken Section number 2, and the east half of Broken Section number 3 in the Township of Awenge, the south-east quarter of Section 34, the south half and the north-east quarter of section 35, and Broken Section 36, in the Township of Korah, blocks, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, that portion of block 13 lying to the east of the Peoples road, and blocks 14 and 15 in the Stewart survey of the Korah block, the water lots lying in front of said Broken Section number 2, and the east half of Broken Section number 3, in the Township of Awenge, shall be and is hereby incorporated as a town and a Corporation or body politic, under the name of "The Corporation of the Town of Steelton" and shall enjoy and have all the rights, powers and privileges, enjoyed, possessed and exercised by incorporated towns separated from counties in which they are situated in the Province of Ontario, under the municipal laws from time to time in force in the said Province.

Town of Steelton incorporated.

8. On and after the passing of this Act all that portion of the said Municipality of Sault. Ste. Marie, in the District of Algoma, not included in the town of Steelton as hereby incorporated, and consisting of the west half of Broken Section 3, Broken Sections, 4, 5, 7, 8, 9 and 10 and section 6 in the Township of Awenge, and the islands and water lots in front thereof, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, and the west half and the north-east quarter of section 34, and the north-west quarter of section 35, all that portion of section 25, not included in the Stewart Survey of the Korah block, and that portion of block 13 lying west of the Peoples road, and blocks 16, 17, 18, 19, 20, 21, 22, 23 and 24, in the Stewart survey of the Korah block, and the whole of the Township of Parke, and the water lots in front thereof, shall be and is incorporated as a Township and a corporation or body politic, under the name of "The Corporation of the Township of Korah" and shall enjoy and have all the rights, powers, and privileges enjoyed, possessed and exercised by organized townships in territorial districts in the Province of Ontario, under the municipal laws from time to time in force in the said Province, and under the laws from time to time in force respecting municipal institutions in territorial districts in the said Province.

Township of Korah incorporated.

9. The said Town of Steelton shall be divided into three wards to be called respectively wards 1, 2, and 3, which said wards shall be composed as follows :—

Ward 1 shall comprise blocks 1, 2, 3, and 6 in the Stewart survey of the Korah block.

Ward 2 shall comprise blocks 4, 5, 7, 8, 9, 10, 11, 12, that part of block 13 lying east of the Peoples road, and blocks 14 and 15 in the said Stewart survey.

Ward 3 shall comprise Broken Section 2, Awenge, the east half of Broken Section 3, Awenge, the south-east quarter of section 34, the south half and the north-east quarter of section 35, and Broken Section 36, in the Township of Korah.

Polling subdivisions in Korah.

10. The said Township of Korah shall be divided into 3 polling subdivisions, to be called respectively polling subdivisions 1, 2 and 3, and the said polling subdivisions shall be composed as follows:—

Polling subdivision number 1 shall comprise blocks 16, 17, 18, 19, 20, 21, 22, 23 and 24, and that part of block 13 lying west of the Peoples road, in the said Stewart survey, sections 1, 2, 3, 10, 11, 12, 13, 14, 23, 24, that part of section 25 not included in the Stewart survey, the east half of section 15, the east half of section 22, the east half of section 26, and the north-west quarter of section 26 in the Township of Korah.

Polling sub-division number 2 shall comprise sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 27, 28, the west half of section 15, the west half of section 22, the east half and the north-west quarter of section 29, the north half of section 33, the north half of section 34, the south-west quarter of section 26, and the north-west quarter of section 35 in the Township of Korah.

Polling subdivision number 3 shall comprise sections 30, 31, 32, the south-west quarter of section 29, the south half of section 33, and the south-west quarter of section 34 in the Township of Korah; section 6, the west half of broken section 3, and broken sections 4, 5, 7, 8, 9 and 10 in the Township of Awenge, the whole of the Township of Parke, and the islands and water lots in front of the Township of Parke, and that part of the Township of Awenge herein described.

Arrears of taxes
on lands
included in
towns.

11. Arrears of taxes due to the municipality of Sault Ste. Marie in respect of lands within the limits of the Town of Steelton, as hereby incorporated, shall be collected and managed in the same way as the arrears due to towns, and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario, and the various provisions of law relating to the sale of lands for arrears of taxes, whether the same accrued before or after the incorporation of the Town of Steelton, and to deeds given therefor, shall apply to the said Corporation of the Town of Steelton, and to sales of lands therein for arrears of taxes due thereon, and to deeds given therefor, and arrears of taxes due to the said Municipality of Sault Ste. Marie in respect of lands within the limits of the Township of Korah, as hereby incorporated, shall be collected and managed in the same manner as the arrears due to townships in unorganized districts,

districts, and the reeve and treasurer of the said township shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officers in other townships in unorganized districts in Ontario, and the various provisions of law relating to the sale of lands for taxes in unorganized districts, whether the same have accrued before or after the incorporation of the Township of Korah, and to deeds given therefor, shall apply to the corporation of the said Township of Korah, and to sales of lands therein for taxes due thereon, and to deeds given therefor.

12. The assessment roll now being prepared by the assessor of the Municipality of Sault Ste. Marie for the year 1904, shall, when completed, so far as the same relates to lands within the limits of the said Town of Steelton, be valid to all intents and purposes, as if the said assessor had been appointed by the council of the said Town of Steelton; and, so far as the same relates to lands within the limits of the said Township of Korah, be valid to all intents and purposes as if the said assessor had been appointed by the council of the said Township of Korah; and such assessment rolls shall be subject to revision in the same manner as if they had been originally prepared under officers appointed by the council of the said town and the council of the said township respectively.

13. The levy of taxes for the year 1904, and the collector's rolls to be prepared, shall, so far as they affect lands within the said Town of Steelton, be made by the municipal council of the Town of Steelton, and by the clerk of the said town respectively, and the taxes and other rates shall be collected by the tax collector of the said town; and, so far as the same shall refer to lands within the Township of Korah, the levy of taxes for the year 1904 and the collector's roll to be prepared, shall be made by the municipal council of the Township of Korah, and by the clerk of the said township respectively, and the taxes and other rates shall be collected by the tax collector of the said township.

14. All sales of lands within the said Municipality of Sault Ste. Marie, had before the first day of January, 1903, and purporting to be made for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, notwithstanding any irregularity in the assessment or other proceedings for imposition of any taxes so in arrear, or any failure to comply with the requirements of *The Consolidated Assessment Act, 1892*, or of *The Assessment Act* in regard to the manner in which any assessment roll or collector's roll of the said municipality has been prepared, or in regard to the certifying or signing of the same, or the making of any affidavit, declaration, affirmation, or oath required in connection therewith, or in regard to the time for return of any collector's roll of the

Assessment roll
for current
year.

Collection of
taxes for
current year.

Tax sales
validated.

the said municipality, or in regard to the furnishing, authenticating, or depositing of any list of lands in arrears for taxes within the said municipality, or in regard to the mailing of notices to any person in respect to whose land any taxes appeared at any time to be in arrear, or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any other failure or omission on the part of any official of the said municipality to comply with any requirements of the said Acts, and notwithstanding anything to the contrary in either of the said Acts contained.

School sections in Korah. **15.** The municipal council of the Township of Korah as hereby incorporated shall have full power and authority by by-law either to divide the said municipality into school sections or to form a township board of public school trustees for the said township, two trustees to be elected for each polling subdivision, which polling subdivisions are hereby constituted wards for school purposes, and such trustees shall be elected in the same manner as public school trustees in towns ; and such board shall have all the powers, authority, privileges, and incidents of public school boards in towns ; and in neither case shall it be necessary to submit the question to a vote of the ratepayers of the municipality.

School trustees or Korah. **16.** Until the said council of the Township of Korah has by by-law constituted the said township board, or formed the said sections, the present members of the school board for the Municipality of Sault Ste. Marie shall continue to hold office and be a board of trustees for the Township of Korah as hereby incorporated ; but on the constitution of such township board, or the formation of such sections, elections shall be held for members of such township board or for trustees for such school sections, as the case may be, and the said township board or boards of trustees for such sections, as the case may be, shall hold their first meeting and become organized the same day of the week next following the election, at the hour of two o'clock in the afternoon.

School inspector for Korah. **17.** Should the council of the said Township of Korah divide the same into school sections, such council shall by by-law appoint the inspector with two other competent persons, not residents of the township, and they or any two of them shall, in a report to the council, value the school houses, school sites, or other school property, which may thereupon become the property of each school section, and shall also adjust and settle the respective rights and claims consequent upon the formation of such school sections, between the respective school sections, or between any school section and the township, and all payments to be made by or to any of them.

18. Except where otherwise provided by this Act the provisions of *The Consolidated Municipal Act*, 1903, and any Act amending the same with regard to matters consequent upon the formation of new corporations, shall apply to the said Town of Steelton, in the same manner as if the lands comprised in the said town, had been an unincorporated village, and had been erected into an incorporated village under the provisions of the said Acts.

19. Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the Municipality of Sault Ste. Marie, shall be apportioned between the said Township of Korah and the said Town of Steelton, as may be agreed upon, and in case of no agreement, then by the award of three arbitrators, or a majority of them, one of such arbitrators being appointed by each of the said municipalities of the Township of Korah and the Town of Steelton, and the third being chosen by the last two, and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within three months after the other of them has appointed an arbitrator, then the Senior Judge of the District of Algoma shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third, and if they shall not agree upon such third arbitrator, then the said Senior Judge of the District of Algoma shall appoint such arbitrator, and the award of the said arbitrators, or a majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the said respective municipalities.

20. On the first day of June, 1904, it shall be lawful for James Thomas Cameron, of the Township of Korah, in the District of Algoma, Gentleman, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor and councillors, at Sherman's Hall, in the said Town of Steelton, having first caused one week's notice thereof to be posted up in three conspicuous places in each of the said three wards in the said town, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election if necessary, shall be held on the same day of the week in the week following the nomination, and the returning officer or chairman shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

21. On the said first day of June, 1904, it shall be lawful for John Franklin Nixon, of the Township of Korah, clerk of the Municipality of Sault Ste. Marie, who is hereby appointed

Application of
general pro-
visions of 3
Edw. VII, c. 1

First election in
Steelton.

First election in
Korah.

appointed the returning officer to hold the nomination for the first election of reeve and councillors for the said Township of Korah, at the West Korah school house, having first caused one week's notice thereof to be posted up in three conspicuous places in the said township, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election, if necessary, shall be held on the same day of the week in the week following the nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each polling subdivision in the said municipality, at which the polling shall take place.

Returning officer and deputies.

22. The said returning officers shall by their respective warrants, appoint deputy returning officers, for each of the polling places fixed by them, in the said respective municipalities, and such returning officers, and each of such deputy returning officers, shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers and deputy returning officers, at elections in towns and townships respectively, in so far as the same do not conflict with this Act; and the said returning officers shall have all the powers and perform all the other duties devolving upon clerks in respect to municipal elections in towns and townships respectively.

Clerk of municipality to deliver assessment rolls to returning officers.

23. The clerk of the said Municipality of Sault Ste. Marie, and any other officer thereof, shall, upon demand made upon him by the said returning officers, or any officer of the said Town of Steelton, or Township of Korah, or by the chairman hereinbefore mentioned, at once furnish such returning officer, officer, or chairman, with a certified copy of so much of the last revised assessment roll for the said Municipality of Sault Ste Marie as may be required to ascertain the names of the persons entitled to vote in the said town and township respectively, at the said first elections, or with the collector's roll or other document, statements, writings, or deeds, that may be required for that purpose, and the said returning officers shall furnish each of the said deputies with a true copy of so much of the said rolls as relates to the names of the electors entitled to vote in each of the said wards and polling subdivisions respectively, and each of such copies shall be verified on oath.

Council of Steelton how composed.

24. The council of the said town to be elected in manner aforesaid shall consist of the mayor, who shall be the head thereof, and six councillors, two councillors being elected for each ward, and they shall be organized as a council on the same

same day of the week next following the polling, or if there be no polling, on the same day of the week next following the week of the nomination; and subsequent elections shall be held in the same manner, and the qualification of mayor and councillors, and for electors at such subsequent elections shall be the same as that provided by *The Consolidated Municipal Act*, 1903, for towns in unorganized districts. And the <sup>3 Edw. VII.,
c. 19,</sup> said council and their successors in office shall have, use, exercise, and enjoy all the powers and privileges vested by the said municipal laws in councils of towns separated from counties, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

25. At the first election of mayor and councillors for the said Town of Steelton, the qualification for mayor and councillors, and for electors, shall be the same as that now required in the Municipality of Sault Ste. Marie. ^{Qualification of council and electors.}

26. The Council of the said Township of Korah to be elected in manner aforesaid, shall consist of a reeve, who shall be the head thereof, and four councillors, elected by general vote, and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling on the same day of the week next following the said nomination; and subsequent elections shall be held in the same manner. ^{Council of Korah how composed.}

27. The qualification for reeve and councillors and for electors, at said election and subsequent elections, shall be the same as that provided by *The Consolidated Municipal Act*, 1903, for reeve and councillors, and electors in townships in unorganized districts, and the said council and their successors in office shall have, use, exercise, and enjoy all the powers, privileges, and incidents vested by the said municipal laws, and the laws from time to time in force, respecting municipal institutions in territorial districts, in councils of townships in unorganized districts, and shall be subject to all the liabilities and duties imposed by such laws on such councils. ^{Qualification of reeve and councillors.}

28.—(1) The said returning officer for the Town of Steelton shall at the nomination provided for in section 20 of this Act receive nominations for two school trustees for each of the said wards, and the election for such school trustees shall, except so far as is otherwise provided by this Act, be held and conducted in conformity with the provisions of *The Public Schools Act*. ^{School elections.}

(2) The first meeting of the board of public school trustees shall be held on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the nomination, at two o'clock in the afternoon. ^{First meeting of public school board.}

Term of office
of trustees,

(3) One of such school trustees for each ward shall remain in office only for the unexpired part of the year 1904, and the other one for each ward until the end of the year 1905, and the length of time for each trustee shall be determined by lot at the first meeting of the new board of trustees.

Present by-
laws, etc.,
continued in
force,

29. All by-laws and municipal regulations which are in force in the Municipality of Sault Ste. Marie shall continue and be in force both in the Town of Steelton and in the Township of Korah, and shall extend and have full effect within the limits of the said town and township respectively, until the repeal by the council of the said town or township as the case may be.

Declarations
of office and
qualifications.

30. The several persons who shall be elected or appointed under this Act for the Town of Steelton and for the said Township of Korah shall take declarations of office and qualification now required by the municipal laws of the Province of Ontario, to be taken by persons elected or appointed to like offices in towns and townships respectively, except in so far as the qualification for mayor and councillors for the Town of Steelton is hereinbefore modified.

Agreement
between Sault
Ste. Marie and
companies to
enure to bene-
fit of Steelton.

31. Except as to the sum of \$10,000 taxes for the year 1903, which said sum shall form part of the assets of the Municipality of Sault Ste. Marie and be apportioned between the Town of Steelton and the Township of Korah as herein-before provided, the said Town of Steelton shall be subject to the provisions of and entitled to all the benefits and advantages to be derived from the agreement set forth in Schedule A to this Act, and shall also be entitled to enforce all the covenants, provisions and conditions and to exercise all the rights, remedies and privileges in the said agreement contained, as fully and effectually as if the said Town of Steelton had been named as a party thereto instead of the Municipality of Sault Ste. Marie.

SCHEDEULE A.

By-law No. 430.

A by-law of the Corporation of the Municipality of Sault Ste. Marie, in the District of Algoma, respecting taxes upon certain property of The Lake Superior Power Company, The Algoma Steel Company, Limited, The Algoma Commercial Company, Limited, The Sault Ste. Marie Pulp and Paper Company, and The Algoma Central and Hudson Bay Railway Company, situate in the Municipality of Sault Ste. Marie, for a period of twenty-four years from the first day of January, 1904.

* Whereas the Corporation of the Municipality of Sault Ste. Marie has entered into an agreement bearing even date herewith with Central Trust Company of New York, mortgagee for the benefit of bondholders of The Lake

Lake Superior Power Company, The Algoma Steel Company, Limited, The Algoma Central and Hudson Bay Railway Company, The Algoma Commercial Company, Limited, and the Sault Ste. Marie Pulp and Paper Company; B. F. Fackenthal, junior, receiver of the said companies, and with the said The Algoma Central and Hudson Bay Railway Company, respecting taxes upon certain real estate, buildings, machinery, plant and taxable property of said companies situate within the said municipality and used for manufacturing and railway purposes, for the period of twenty-four years from the first day of January, A.D. 1904, and other matters, upon the terms, provisions, and conditions in said agreement contained;

And whereas it is necessary to authorize the reeve and clerk of the Corporation of the Municipality of Sault Ste. Marie to execute said agreement and attach the corporate seal thereto.

Be it therefore enacted by the Municipal Corporation of the Municipality of Sault Ste. Marie, and it is hereby enacted, that the reeve and clerk be, and they are, hereby authorized and empowered to sign and seal with the corporate seal of the Municipality of Sault Ste. Marie, said agreement bearing date the 22nd day of March, 1904.

And it is further enacted that the said agreement shall not come into effect or be operative until an Act is passed by the Legislature of the Province of Ontario, ratifying and confirming and declaring valid the said agreement, together with this by-law, and also erecting into a separate municipality the following lands, that is to say,—all the lands comprised in the present Municipality of Sault Ste. Marie, saving and excepting broken section number two, and the east half of broken section number three, in the Township of Awenge, and the water lots in front thereof, the south east quarter of section thirty-four, the south half and the north-east quarter of section thirty-five, and broken section thirty-six in the Township of Korah, and blocks one to fifteen inclusive in the Stewart survey of the Korah block, except that portion of block thirteen in said survey lying west of the People's Road.

Read a first, second and third time and finally passed in open council the 22nd day of March, A.D., 1904.

(Corporate Seal.)

JOHN A. MOORE,

Reeve.

J. F. NIXON,

Clerk.

This agreement made this twenty-second day of February, 1904, between the Municipal Corporation of the Municipality of Sault Ste. Marie, hereinafter called the "Corporation," of the first part; Central Trust Company of New York, hereinafter called the "Trust Company" of the second part; B. F. Fackenthal, Jr.; Receiver of the following Companies, namely,—The Lake Superior Power Company (hereinafter called the "Power Company"), the Algoma Steel Company, Limited, (hereinafter called the "Steel Company"), The Algoma Central and Hudson Bay Railway Company (hereinafter called the "Railway Company"), The Algoma Commercial Company, Limited, (hereinafter called the "Commercial Company"), and the Sault Ste. Marie Pulp and Paper Company (hereinafter called the "Pulp Company"), hereinafter called the "Receiver," of the third part; and The Algoma Central and Hudson Bay Railway Company, hereinafter called the "Railway Company" of the fourth part.

Whereas the Trust Company is the mortgagee for the benefit of bond-holders of the Power Company, Steel Company, Railway Company, Commercial Company and Pulp Company;

And whereas the lands and premises mentioned in the Schedule hereto annexed are within the limits of the Municipality of Sault Ste. Marie, and are subject to the jurisdiction of the Corporation;

And whereas the Corporation claims for taxes upon the said property for the year 1903, the sum of \$14,635.12;

And

And whereas in or about the month of November, 1902, it was agreed between the Corporation and Power Company, the Steel Company, the Railway Company, the Commercial Company, the Pulp Company, and also with the Tagona Water and Light Company (hereinafter called the "Tagona Company,") and the International Transit Company (hereinafter called the "Transit Company,") that the taxes payable by the said several Companies for the term of twenty-five years, commencing 1st of January, 1903, should be \$5,000.00 per annum, and By-law No. 398, of the Council of the Corporation was passed fixing the said taxes at the said sum, and was approved by the duly qualified Electors of the said Municipality.

And whereas it was provided in the said by-law that it should not be binding until it should be ratified by the Legislature of Ontario.

And whereas a Liquidator has been appointed under the Winding-up Act for the Power Company, the Steel Company, the Commercial Company, the Pulp Company, and the Tagona Company.

And whereas the Receiver took possession of the properties of the several Companies of which he is Receiver, except the Railway Company, on or about the 19th day of October, 1903, and is now in possession thereof.

And whereas it is in the interest of the Corporation that this agreement should be executed, therefore it is mutually agreed as follows:—

1. The receiver shall pay to the corporation in full settlement of the taxes upon the said properties for the year 1903 the sum of \$10,000.00 as follows:—\$8,000.00 upon the passing of a by-law by the council of the corporation approving of this agreement and upon the execution hereof pursuant thereto, and \$2,000.00 within ten days after the passing by the Legislature of Ontario of an Act ratifying said by-law and confirming this agreement, or within ten days after the close of the present session of said Legislature.

2. The total taxes, including school taxes, debenture taxes, local improvement taxes, and other taxes, rates and assessments of every description which shall be leviable by the corporation or its successors upon or in respect of the mills, factories, industrial works, offices, canals, water mains transmission lines, railway tracks, stations, round-houses, car shops, turnouts, switches, turn-tables, engines, tenders, cars, rolling stock, railway equipment, furniture, machinery, tools, implements, materials, supplies, steamships, power stations, pumping stations, generators, electrical machinery, poles, wires, lamps, franchises, capital stock, income and other taxable assets and property of the parties hereto of the second, third and fourth parts, their successors and assigns, and of the other parties from time to time entitled to the benefit hereof, other than taxes upon lands which are used as dwelling houses, or which are not used in connection with any industry owned or operated by the parties hereto, their successors or assigns, are hereby fixed at a sum of \$5,000.00 per annum, hereinafter called the "Specific tax" for the year 1904, and the next succeeding twenty-three years.

3. The lands set out in Schedule "A" of this agreement are declared to be the lands which, at the date of this agreement, are the lands in respect of which the said Specific tax is payable.

4. Lands now, or at any time hereafter, owned by the Power Company, Steel Company, Railway Company, Commercial Company, Pulp Company, Tagona Company, or Transit Company, or by the Receiver or the Trust Company, not included in the lands set out in Schedule "A" hereto, and which have not come within the provisions of paragraph five hereof, and all lands of every kind when not used for manufacturing, industrial or railway purposes, and all dwelling houses, stores, shops, mercantile stock and mercantile business owner or operated by the parties hereto, or any of them, or their successors in title or in which they are interested shall not be included with lands in respect of which the said Specific tax is payable as the yearly taxes, but said lands, stores, shops, mercantile stocks and mercantile business shall be assessed and taxed in the same manner as other lands of a like nature in the said municipality are assessed and taxed.

5. All lands which the parties hereto, their successors or assigns now own, and which are not included in Schedule "A" hereto, or which the parties hereto, their successors or assigns may acquire within the limits of the territory affected by this agreement, and which may hereafter be required and used for industrial, manufacturing or railway purposes, shall when and as soon as construction shall have been commenced, on any buildings, erections, excavations, docks, trestles, or any other works connected with any industrial, manufacturing or railway purposes, either by the parties hereto, their successors or assigns, or by any other persons, firms or corporations, subsidiary to or allied with the parties hereto, their successors or assigns, become and be deemed to be included in the lands in respect of which the said specific tax is payable, and shall for the period then remaining of said term of twenty-three years be exempt from any further or any other taxation, save said specific tax, during the remainder of said term, provided said lands are so long actually used for industrial, manufacturing or railway purposes, said exemption to take effect and become operative on the first day of January following the date on which the commencement of construction or operations on said lands shall have been commenced.

6. Should any of the lands set out in Schedule "A" hereto, or any of the lands which may hereafter become entitled to be included therewith, under the provisions of paragraph 5 hereof, cease to be actually used and employed for industrial, manufacturing or railway purposes, then and in every such case and as often as the same shall happen, all lands so ceasing to be used for such purposes shall from and after the 1st day of January, next thereafter, and so long as they are not used or employed for said industrial, manufacturing or railway purposes, be assessed and taxed in the same manner as other lands in said municipality.

7. The lands entitled to be included in the lands, in respect of which said specific tax is payable, shall be only such lands as shall be actually and reasonably required for the purposes of the industry or railway, owning or making use of the same or for the proper or convenient carrying on of the works, factories or plant situated thereon, and shall not be held to extend to or include the whole of the lot, block, division, section or quarter-section on which the same may be situated, unless the whole of the said lot, block, division, section or quarter-section shall be actually and reasonably required for the purpose aforesaid.

8. The specific tax aforesaid shall include all taxes chargeable against the lands and premises in the schedule hereunto annexed other than those occupied by dwelling houses or not used in connection with any industry as aforesaid, and also all other lands which may be acquired by any of the parties hereto, their successors, or assigns, for industrial purposes within the said municipality.

9. The specific tax hereinbefore mentioned shall extend to the property, assets, tracks, roadbeds, ties, switches, frogs, rolling stock, motors, armatures, poles, wires and other equipment, and to the lands and buildings, capital stock and income and other taxable assets and property of the Transit Company, or any other Electric Railway Company allied with the parties hereto or their assigns, and to the water mains, power stations, pumping stations, machinery, equipment, electric light works, poles, wires, lamps, machinery, equipment, offices, works, buildings, capital stock, income, franchises and other taxable assets and property of the Tagona Company, or any other water and light company allied with the parties hereto or their assigns, but if the Trust Company, its successors or assigns, shall from time to time so desire, the taxable property in the municipality of the said companies or either of them, their or either of their successors or assigns shall be assessed in the same manner as other properties liable to assessment, and the Trust Company, its successors or assigns shall be entitled to have the amount of taxes paid in respect of such assessment credited upon the said specific tax from time to time, but the corporation shall not be liable in damages for neglecting to enforce the collection of said taxes.

10. The parties from time to time entitled to the benefit hereof may from time to time, with the consent of the Corporation, apportion to one or more of them any part of the said specific tax, and thereupon and during the continuance of such agreement the specific tax shall be apportioned in accordance therewith, and the property comprised in every such agreement shall be solely liable for the portion of the said specific tax assumed by it under the agreement respecting the same, and the remaining property or properties shall be relieved from such payment.

11. Should any dispute arise as to the lands entitled to be included in the lands, in respect of which said specific tax is payable or as to any of said lands having ceased to be used for industrial, manufacturing or railway purposes, and thus have again become liable to assessment and taxation in the ordinary way, the same shall be referred to the Senior Judge for the time being, for the District of Algoma, whose decision shall be subject to one appeal to a Divisional Court of the High Court of Justice for Ontario, but there shall be no further or other appeal.

12. The parties hereto, their successors and assigns, or any other parties entitled to the benefits of this agreement, shall not be entitled to petition the corporation for any improvement on the frontage tax assessment under the provisions of the Municipal Act, or cause or procure any improvements to be made under said system, and should they do so the lands owned by said parties so petitioning and benefited by such improvement shall be taxed therefor in the same manner as other lands similarly benefited.

13. The owners for the time being of the property now known as the steel plant and being the property of the Algoma Steel Company, Limited, shall on or before the 1st of November, 1905, grade and build a gravel roadway along what is known as Wilde avenue, or the Base Line Road, in the Municipality of Sault Ste. Marie, being the northerly thirty-three feet of the Township of Awenge, and the southerly thirty-three feet of the Township of Korah, said road to extend from the present termination of the gravelled portion thereof at Devieux Creek to Spring Creek, a distance of about three-quarters of a mile, including a necessary bridge.

14. The construction of said roadway shall be commenced on or before the 1st July, 1904, and should the construction thereof not be commenced on or before the 1st November, 1904, there shall be paid by the then owners of the property now known as the Steel Plant, to the Corporation the sum of \$5,000.00. Such sum shall be expended immediately thereafter by the Corporation on the construction of said road. The Corporation shall proceed with the construction thereof as economically as possible. When it has completed one-quarter of the unbuilt portion of the road, or when it has expended in such construction work which ever date shall be latest, all of the said payment of \$5,000.00, there shall be paid to the Corporation by the owners of the said Steel Plant a further sum of \$5,000.00, which shall be expended in like manner, and other payments shall be made in like manner until the said roadway has been completed or there has been paid to the Corporation the total sum of \$20,000.00. All moneys not required by the Corporation for the construction of said road shall forthwith after the completion thereof be returned to the owners of said Steel Plant. Said road shall be completed on or before the 1st November, 1905, and if not completed by then, payments in the above mentioned manner shall be made to the Corporation for the completion by the Corporation of said road, and until the completion of the said road or the payment of the said sum the same shall be a charge upon the said Steel Plant and the lands occupied thereby.

15. Said roadway known as Wilde Avenue, shall be built, graded and gravelled in a substantial, workmanlike and proper manner, so as to constitute when complete a first-class roadway, at least twenty-four feet in width, and the parties hereto shall not at any time during the term of this agreement, without the consent of the Corporation, construct or lay any street railway along such roadway, so as to occupy any portion of the said twenty-four feet, but said railway when built, shall be built along said Wilde Avenue between the edge of said twenty-four feet roadway and the limit of the highway.

16. The corporation shall indemnify and save harmless the parties from time to time entitled to the benefit of this agreement, and their assigns, from any liability for school taxes or other taxes of which the corporation shall be entitled to the benefit, saving and excepting the said specific tax before mentioned, and taxes on lands used for dwelling houses, or which are not used in connection with any industry owned or operated by the parties hereto, their successors or assigns.

17. The said specific tax shall be paid by the parties hereto, their successors or assigns, or by the persons, firms or corporations entitled to the benefits of this agreement, on or before the first day of November, in each and every year during the term of this agreement, and in case of default in payment of the said specific tax, there shall be added thereto 5 per cent, thereof, and the corporation shall be entitled in addition to all its other rights and remedies, without demand, notice or other formality or proceeding, to collect the said specific tax, with the said addition of 5 per cent, thereof in the same manner as other taxes due to the corporation are collectable, and for such purpose proceedings may be taken or had against any person, firm or corporation at the time owning, occupying or in possession of any of said lands or property in like manner as if such persons, firms or corporations had been assessed therefor.

18. Should the plants or works now owned by the parties to this agreement at any time hereafter cease to operate for more than six months in any one year during the term hereinbefore mentioned, or should said parties, their successors and assigns, or successors in title, fail to keep at least five hundred men on an average continuously employed for at least six months in any year of such term, or should the said parties fail to pay the specific tax hereinbefore mentioned within six months after the same become due, the corporation shall have the right, privilege, power and authority should it desire so to do, to declare this agreement suspended and thereupon during the continuance of such default the privileges and advantages conferred hereby shall be suspended and of no effect unless the council of the corporation shall by resolution and otherwise declare, and the corporation shall during the continuance of such default be entitled to assess lands and other properties affected by this agreement and collect taxes thereon in the same manner as if this agreement had never been entered into, and for such purposes the said corporation is hereby authorized and empowered to assess said lands and other properties and collect such taxes and to take all necessary proceedings in connection therewith at any time, either in the year or years in which such default occurs or subsequently, notwithstanding any provision in the Assessment Act or other Act to the contrary.

19. The Receiver shall cause to be conveyed to the Corporation by a good and sufficient assurance in fee simple for the purpose of a highway, that part of the Base Line Road, or Wilde Avenue, owned by the parties hereto, such conveyance to be given after this agreement has been ratified and confirmed by legislation.

20. This Agreement shall not come into effect or be operative in any way, or be binding upon the Corporation until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring valid the same, and confirming and declaring valid the By-law of the Corporation, authorizing the Reeve and Clerk of the said Corporation to execute this Agreement, but the Corporation shall assist the other parties hereto in securing such legislation as may be required or desired by Counsel, for the ratification and confirmation of this Agreement and any future agreements in pursuance hereof, but it is hereby understood that the payment of \$10,000 to the Corporation shall be taken as full payment of the taxes payable by the parties hereto or their predecessors in title, to the Corporation for the year 1903, whether this Agreement is declared valid or not.

21. The parties hereto, other than the Corporation, agree on behalf of themselves, their successors and assigns, that they will not within the territory affected by this Agreement, engage in any retail mercantile business in opposition to any of the retail merchants carrying on business within the said limits.

22. Nothing herein contained shall by implication or otherwise be construed to extend to or in any way affect or operate on lands other than those contained within the block described as follows, that is to say:—Broken Section 2, and the east half of Broken Section 3, Awenge, the south-east quarter of Section 34, the south half and the north-east quarter of Section 35, and Broken Section 36, in the Township of Korah, and Block 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, that portion of Block 13 lying to the east of the People's Road, and Blocks 14 and 15 in the Stewart Survey of the Korah Block, and the water lots lying in front of Broken Section 2 and the east half of Broken Section 3, in the Township of Awenge.

In witness whereof the parties hereto have executed these presents. Signed, sealed and delivered in the presence of:

Witness as to execution by the Municipality of Sault Ste. Marie.

(Signed) W. H. Hearst. (Signed) JOHN A. MOORE,
Reeve.

J. F. NIXON,
Clerk.

SCHEDULE TO AGREEMENT SET OUT IN SCHEDULE A.

The following is a description of the lands in respect of which the specific tax mentioned in the annexed agreement is payable, but this description is not to be deemed to include all of the land that may at any time be entitled to be included in the said lands in respect of which said specific tax is payable.

(1) The right of way owned by the Algoma Central and Hudson Bay Railway Company through Blocks 7, 8, 10, 11, 13 and 14, and

(2) The N. E. $\frac{1}{4}$ of Block One in the Stewart Survey of the Korah Block.

(3) The southerly part of Section 36 in the Township of Korah, being that part of Section 36 south of the northerly limit of the Base Line Road or Wilde Avenue, and Wilde Avenue, produced in an easterly direction to St. Patrick Street.

(4) The brick plant property, being 11.87 acres described as follows:—

In the said Township of Korah, and being a portion of blocks numbered thirteen and fourteen in the Stewart Survey of the Korah Block in said township, which may be more particularly described as being that portion of said blocks 13 and 14, bounded on the west by the eastern limit of the right of way of the Algoma Central and Hudson Bay Railway, on the east by a line parallel to the boundary line between said blocks 13 and 14 and distant five chains measured easterly therefrom, and on the north and south by the northerly and southerly limits respectively of said blocks 13 and 14, containing 11 87-100 more or less.

(5) Section 2 Awenge and those parts of Section 3 Awenge described as follows:—

Firstly, Veneer Mill Site:—Commencing at a point on the northerly limit of said Section 3, distant 950 feet measured westerly, and along said limit from the north-easterly angle of said section. Thence southerly and parallel to the easterly limit of said section to the water's edge of St. Mary's River. Thence easterly along the water's edge of St. Mary's River to the middle of the mouth of Bennett's Creek, thence northerly and following the middle line of Bennett's Creek to the intersection with said northerly limit of said section. Thence westerly and along the said northerly limit of Section 3 to the place of beginning.

Secondly, part of Saw Mill Site:—Portion contained in Section 3, being all that portion of the east sub-division of said section lying east of the middle of the channel of Bennett's Creek, but saving and excepting thereout and therefrom the following:—

(a) That part of Section 2, Awenge, lying between the old channel of Devieux Creek and the new or dredged channel thereof.

(b)

(b) A strip of land 400 feet wide off the north-east corner of Section 2, Awenge, and extending along Wilde Avenue easterly from the N. E. corner of said section, a distance of 550 feet.

(c) A strip of land 400 feet wide off the north end of those parts of Section 3, Awenge, described above, being 950 feet in length, fronting on Wilde Avenue.

(6) The following lots and parts of lots in the James and C. P. Brown's survey, of part of Block 4 north and east of the People's Road, viz.:—86, 87, 88, the easterly twenty feet of lot 97, lot 101, parts of lots 99, 100, 102, 103 and 104.

(7) The following lots and parts of lots in the Kehoe & Cozen's subdivision of Block 4 in the Stewart survey south of the People's Road, viz.:—One-half of lot 75, lots 108, 109, 115, 178, 179, 180, 181, 182, 183, 184, 185, 188, 189, 190, 200, 201 202, 203, 204 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226 and 227.

CHAPTER 68.

An Act to consolidate the Debt of the Village of
Stirling.

Assented to 26th April 1904.

Preamble.

WHEREAS the Municipal Corporation of the Village of Stirling has, by petition, represented that the said corporation has incurred debts to the amount of \$4,254, being \$2,500 on account of high school debentures, \$504 for cement sidewalksdebentures,\$1,250 for payment of other out-standing indebtedness, and that the sum of \$5,746 is urgently required for the re-building of the "White Bridge" on Henry Street, and for the construction of cement sidewalks; and whereas it has been made to appear that the members of the council of the said municipal corporation are unanimously in favour of the said expenditure for the re-building of the "White Bridge" aforesaid on Henry Street and for the construction of the said cement sidewalks and that the citizens of the said Village have had an opportunity of carefully considering the said matter, and are practically unanimous in approving of the same; and whereas the said corporation has no other outstanding debenture indebtedness, than as above set out; and whereas the said corporation by its said petition has prayed that the said debts may be consolidated and that the said corporation may issue new debentures for the amount thereof and the amount required for bridge and sidewalk purposes aforesaid; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debt consolidated and debentures for \$10,000 authorized.

1. It shall be lawful for the Corporation of the Village of Stirling aforesaid to raise, by way of loan, on the credit of the debentures to be issued under authority of this Act, from any person or persons or body corporate a sufficient sum or sums, to retire the said existing debentures amounting to \$3,004, and to build the bridge and cement sidewalks aforesaid, not exceeding in the whole the said sum of \$10,000 exclusive of interest thereon.

2. It shall be lawful for the said corporation from time to time to pass a by-law, or by-laws, providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums, not less than \$100 each, and not exceeding, in the aggregate, \$10,000, and payable at such places as the corporation may deem expedient.

3. The said corporation may, for the purposes herein mentioned raise the money by way of loan on the said debentures or sell and dispose of the said debentures from time to time as it may deem expedient.

4. The said debentures shall be payable in not more than thirty years from the issue thereof as the said corporation may direct; coupons shall be attached to the said debentures for the payment of interest thereon, and such interest shall be payable yearly at the places mentioned therein, and in the coupons attached thereto; and such debentures may bear interest at any rate not exceeding five per cent. per annum

5. A portion of the \$10,000 of debentures to be issued under this Act shall be made payable each year for a period not exceeding thirty years from the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be to what is payable for principal and interest for each of the other years of the period within which the debt is to be discharged.

6. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called the "Consolidated Debenture Rate" and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the Village of Stirling to the amount of \$3,004, in the payment of outstanding indebtedness to the amount of \$1,250 and in the re-building of the "White Bridge" on Henry Street and the construction of cement sidewalks to the amount of \$5,746, and in no other manner and for no other purpose whatsoever; and such debentures may be known as the "Consolidated Debt Debentures."

8. The Treasurer of the said Village shall on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act;

or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-law not to be repealed until debt satisfied.

9. Any by-law to be passed under this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors not required.

10. It shall not be necessary to obtain the assent of the electors of the said Village of Stirling to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903.*

3 Edw. VII.,
c. 19.

Treasurer to keep proper books of account.

11. It shall be the duty of the treasurer for the time being of the said village to keep, and it shall be the duty of each of the members from time to time of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said village, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

Indebtedness of village not discharged.

12. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Village of Stirling from any indebtedness or liability which may not be included in the said debt of the said Village of Stirling.

Form of debentures.

13. The debentures issued under this Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws authorizing the issue of the same may be in the form of Schedule B to this Act.

Inconsistent enactments not to apply.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law, or by-laws, to be passed by the corporation under the provisions of this Act, and no irregularity in the form of said debentures, or any of them, authorized

ized to be issued by this Act or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

15. This Act may be cited as *The Village of Stirling Debenture Act, 1904.*

SCHEDULE A.

(Section 13.)

Debenture.

Province of Ontario, Village of Stirling.

No.

\$

Under and by virtue of The Village of Stirling Debenture Act, 1904, and By-law No. of the Corporation of the Village of Stirling passed under the provisions contained in the said Act, the Corporation of the Village of Stirling promises to pay to the bearer at in the sum of on the day of A.D., and the yearly coupons hereto attached as the same shall severally become due.

Dated at Stirling, in the County of Hastings, the day of A.D.

Reeve.

Treasurer.

SCHEDULE B.

(Section 13.)

By-law No. to authorize the issue of debentures under the authority of The Village of Stirling Debenture Act, 1904.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding \$10,000 in the whole, as the corporation of the Village of Stirling may, in pursuance and in conformity with the provisions of the said Act, direct.

And whereas for the purposes of the said Act it is necessary and expedient to issue debentures to the extent of \$ payable with interest thereon at the rate of per centum per annum payable yearly, according to the coupons to the said debentures attached.

And whereas the amount of the whole rateable property of the said Village of Stirling, according to the last revised assessment roll of the said town, being for the year , was \$

Therefore the Municipal Corporation of the Village of Stirling enacts as follows:—

(1.) Debentures under the said Act and for the purposes mentioned therein to the extent of \$, are hereby authorized and directed to be issued

(2) The said Debentures shall have coupons attached thereto for the payment of interest at the rate of per centum per annum, payable yearly on the day of in each year.

This By-law passed in open Council this day of in the year of our Lord

CHAPTER 69.

An Act respecting the Separate Schools in the
Town of Sturgeon Falls.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Board of Separate School Trustees of the Town of Sturgeon Falls have by petition set forth that in and by a certain memorandum of agreement dated the 22nd day of June, 1898, and purporting to be made between the Board of Public School Trustees for school section Number One of the said town and the Board of Separate School Trustees of the said school section, it was agreed that the said public school board in every year during the currency of the debentures issued by the said town in payment of a bonus of \$7,000 given to The Sturgeon Falls Pulp Company should pay to the Separate School Board one half of all monies collected by the said Public School Board as school taxes upon the pulp mill and other premises of the said company up to and including an assessed value of \$40,000 saving and excepting debenture rates; that the said Public School Board has never carried out the said agreement, but has neglected and refused to do so; and whereas the said Board of Separate School Trustees have prayed that an Act may be passed to confirm and legalize the said agreement and to carry out the true intent and meaning thereof; and whereas it appears that The Sturgeon Falls Pulp Company are willing that the said agreement should be carried out; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement
between pub-
lic and separ-
ate school
boards as to
taxes of Pulp
Co. confirmed.

1. The said agreement dated the 22nd day of June, 1898, and made between the Board of Public School Trustees for school section Number One of the Town of Sturgeon Falls and the Board of Separate School Trustees of the said school section, as set out in Schedule A to this Act, is confirmed and declared to be and to have been from the date of the passing thereof legal, valid and binding upon the parties thereto, and upon the ratepayers in the said school section; and

and the true intent and meaning of the said agreement is declared to be and to have been that the said Board of Public School Trustees should collect and pay over to the said Board of Separate School Trustees in each year during the currency of the bonus debentures mentioned in the said agreement a sum equal to one-half the amount (exclusive of debenture rates) collected by the said Public School Board as school taxes upon the assessment up to \$40,000 of the pulp mill and other premises in connection therewith used or operated by the said Sturgeon Falls Pulp Company or their successors.

2. The Board of Public School Trustees of the said school section in addition to the amount required to be paid over by them annually hereafter to the said Separate School Board, shall also in each and every year pay over to the said Separate School Board a further sum sufficient to discharge during the currency of the said bonus debentures the indebtedness heretofore accrued under the said agreement and interest thereon at the rate of five per cent. per annum.

3. In case any dispute shall arise between the said Boards as to the amount payable from time to time under the preceding section of this Act the same shall be determined by arbitration by the Judge of the District Court of the Provisional Judicial District of Nipissing sitting as sole arbitrator, whose award shall be final and binding upon the said Boards.

SCHEDULE.

Memorandum of agreement made in duplicate this twenty-second day of June in the year of our Lord one thousand eight hundred and ninety-eight between the Board of Public School Trustees for School Section Number One of the Town of Sturgeon Falls in the District of Nipissing of the First Part, and the Board of Separate School Trustees for School Section Number One of the Town of Sturgeon Falls in the said District of Nipissing of the Second Part.

Whereas there is at present existing in the Town of Sturgeon Falls, in the District of Nipissing, a by-law which has received the assent of the ratepayers thereto, authorizing the Municipal Council of the said Town to borrow the sum of seven thousand dollars on the security of debentures of the said Municipality, which said sum the said Municipality was authorized to pay over by way of bonus to any person or persons with whom satisfactory arrangements could be made for the erection and working of a pulp mill in the said municipality.

And whereas a certain company was formed some time ago with a view of obtaining this said bonus of seven thousand dollars, but after the partial completion of their buildings, work thereon was discontinued either through the bankruptcy of the said company, or for some other unknown cause.

And whereas a new company has now agreed to take over the said pulp business, premises and plant, and the Municipal Council of the said Town of Sturgeon Falls have decided to give the said new company the said bonus

bonus or seven thousand dollars on certain terms and conditions.

And whereas in order to pay the said debentures that will be issued and sold for the purpose of raising the said sum, an annual levy will require to be made on all the ratepayers of the said municipality until such time as the said debentures have all been paid and satisfied.

And whereas there is both a Public and a Separate School in the said Municipality.

And whereas a certain sum will be collected each year from the said company to which the said bonus is being granted, or from their successors, as and by way of school tax.

And whereas the members of the said company being Public School supporters the whole amount that would be levied and collected against them each year, for school taxes, would be payable to the Public School authorities in the said Town.

And whereas there are a large number of Separate School supporters in the said municipality who are also ratepayers therein, and who will, as a consequence of being such ratepayers, be compelled to pay their proportion each year towards the amount that will be required to pay off the said debentures as and when they become due from time to time.

And whereas for the reasons aforesaid and in order that the supporters of such Separate School may have an equal interest in the success of the said pulp business and in promoting the welfare of the said municipality and in advancing the interests of all residents in the said municipality it has been agreed by and between the parties hereto as follows:—

In consideration of the premises and of the sum of one dollar of lawful money of Canada, now paid by the said parties of the second part to the said parties of the first part, the receipt whereof is hereby acknowledged, they, the said parties of the first part, for themselves and their successors, do covenant and agree with the said parties of the second part for themselves and their successors in office that for and during each year hereafter during the continuance of the payment of the said bonus debentures they, the said parties of the first part, will pay to the said parties of the second part one-half of all monies collected by them, the said parties of the first part (saving and excepting debenture rates), as and by way of school taxes on the said pulp mill, and any and all premises now in connection therewith, or which may hereafter be erected or operated by the said company or their successors, up to and including an assessed valuation of forty thousand dollars.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, Sealed and

Delivered in

Presence of

G. A. McGRATH.

Seal of School

Section No. 1.

Seal of Separate School

Section, District of Nipissing.

J. D. COCKBURN.

Chairman P.S. No. 1.

JAMES HOLDITCH,

Secretary.

JOS. MICHAUD,

Chairman S.S.S. No. 1.

J. A. LEVIS,

Secretary.

CHAPTER 70.

An Act respecting the City of Toronto.

Assented to 26th April, 1904.

WHEREAS the Municipal Corporation of the City of ^{Preamble.} Toronto has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas on the 15th of March, 1888, an agreement was entered into between the said Corporation, the Canadian Pacific Railway Company and the owners of riparian property bordering upon the north shore of the Toronto Harbour, which agreement was known as the Windmill Line Agreement, and provided in short for the removal of the Windmill Line and the extension of the properties north thereof to a line further south in the said Harbour, and for the issue to the owners of the lands north of the said Windmill Line of Patents for the lands south thereof, and out to the new line, upon certain terms and conditions set out in the said agreement, and several Orders have been passed by His Excellency, the Governor-General in Council, approving of such agreement, and of the extension of the Windmill Line, and of the issuing of Patents thereunder as provided therein, and such Patents have been issued both by the Government of the Dominion of Canada and by the Government of the Province of Ontario in accordance with the said agreement; and whereas it has now been found expedient to validate the said agreement and to make the same binding not only on the parties who signed the same, but upon all the other parties who obtained lands in accordance with the provisions thereof; and whereas under the local improvement system which was adopted in the City of Toronto some years ago the corporation is prevented from paying any part of the cost of sewers except the portion opposite exempt properties, and certain works providing for street surface drainage as provided in *The Consolidated Municipal Act, 1903,* and whereas it has been found expedient to drain a large part of the City of Toronto east of Woodbine Avenue, and it has been deemed inexpedient to charge the owners of the lands in that locality with the whole cost of the system of such drainage as it involves the expenditure of a considerable sum, as the purification of the sewage, and the said corporation is desirous of contributing \$11,000 towards the cost of the construction

construction of this system ; and whereas the said corporation has asked for authority to issue debentures for the amount of \$191,500, to cover the amount of a floating debt of the said corporation which has arisen from certain over expenditures in connection with certain works duly authorized by the ratepayers, and certain other works and improvements of an emergent and absolutely necessary nature, and having shewn the particulars thereof it appears reasonable that authority should be given to cover the said floating debt to the said amount of \$191,500, by the issue of debentures for the purpose ; and whereas no objections have been made to any of the by-laws set out or referred to in Schedule B hereto ; and whereas no opposition has been offered to the confirmation of the said by-laws ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Windmill Line
Agreement
and patents
issued there-
under
validated and
confirmed.

1.—(1) The Memorandum of Agreement dated the 15th day of March, 1888, commonly called the Windmill Line Agreement, a copy of which is set out as Schedule A hereto, having been approved of and acted upon by His Excellency the Governor-General in Council by various Orders in Council, and Patents having been authorized to be and having been issued in accordance therewith as directed by the said Orders in Council, and similar patents having been issued by the Government of the Province of Ontario, the said Agreement is hereby validated and confirmed, and the rights, duties, liabilities, obligations, covenants and conditions granted, given, conferred, imposed by or contained in the said agreement, or directed by the said agreement to be so granted, given, conferred or imposed and the trusts, conditions and obligations contained in the several patents issued or that may hereafter be issued thereunder (the patents issued by the Government of the Dominion of Canada being confirmed by patents issued by the Government of Ontario) are hereby declared to be legal and binding upon the Corporation of the City of Toronto and all or any other person or persons whomsoever that are or may be affected thereby or interested therein, and the said agreement and all rights, duties, liabilities, obligations, covenants and conditions therein contained are declared to be (without prejudice to any other means of enforcement) enforceable in the same manner and to the same extent as if the said agreement had been a statute of this Province.

(2) Each and every person to whom such patents have been or may be issued or to whom the land granted by such patents or any part thereof has been or may hereafter be conveyed or granted are hereby declared to be liable to and subject to all the

the rights, duties, liabilities, obligations, covenants and conditions contained in the said agreement or the said patents or either of them.

(3) The provisions of this section shall not apply to subsection (f) of section 5 of the said Windmill Line Agreement, nor to the location of the new street therein referred to, now commonly called Lake Street.

(4) The Grant or Patent referred to in the said agreement, from which certain time or times are to be computed, shall mean the Patent granted by Her Late Majesty Queen Victoria, acting for and in behalf of the Dominion of Canada and bearing date the 18th day of December, 1893.

(5) Nothing in this section contained shall be considered as a consent or acknowledgment on the part of the Province of Ontario to the Government of the Dominion of Canada having jurisdiction to grant the patents herein referred to.

2. Notwithstanding the provisions of the local improvement clauses of *The Consolidated Municipal Act, 1903*, and By-law No. 2001 passed by the said council providing that the cost of constructing permanent local improvement works should be defrayed by the local improvements assessments, the council of the said corporation may grant and pay by by-law or otherwise the sum of eleven thousand dollars towards the cost of constructing a sewerage system for the part of the City east of Woodbine avenue.

3 Edw. VII, c.
19. Power to
grant by by-law
\$11,000 to
construct
sewerage
system east of
Woodbine
Avenue.

3. The council of the said corporation may, without submitting the same to the ratepayers, qualified to vote on money by-laws, pass such by-laws as from time to time may be necessary to authorize the issue of "City of Toronto Consolidated Loan Debentures" to such amount not exceeding \$191,500 as may be necessary for the following purposes:—

Power to pass
by-laws for
certain
purposes
without assent
of electors.

1. Cattle Market Improvements.....	\$20,000
2. Erection of Western Garbage Destroyer..	9,500
3. Harbour Cribwork (foot of Bay street).	27,000
4. Queen street Subway widening.....	8,000
5. Water Works, new house services, etc...	50,000
6. Berkeley street Fire Hall.....	37,000
7. No. 1 Police Station alterations	15,000
8. Yonge street Fire Hall.....	7,000
9. Dundas street Fire Hall.....	6,000
10. Exhibition Buildings.....	12,000
<hr/>	
	\$191,500

and for such purposes, or any of them, may issue any number of debentures payable in this Province or elsewhere in sums of not

Issue of
debentures
and rate for
sinking fund

not less than \$100 each, which may be payable at any time within twenty-eight years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding four per cent per annum, payable half-yearly; and for the purpose of redeeming such debentures and paying the interest thereunder, the council of the corporation of the City of Toronto may in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor, impose a rate per annum upon all rateable real and personal property in the said municipality, over and above and in addition to all other rates to be levied in each year, which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

By-laws
Schedule B,
confirmed.

4. The by-laws of the corporation of the City of Toronto specified in Schedule B hereto and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof are hereby validated and confirmed. Provided, however, that nothing in this section contained shall affect any pending motion or proceeding referring or relating to by-law No. 4,227, referred to in the said schedule.

35 V. c. 79, s.
16, amended.

5. Section 16 of the Act passed in the 35th year of the reign of Her Late Majesty Queen Victoria, and chaptered 79, is amended by striking out the words, "bathe or" in the first line; and also by striking out the word "three" in the third line, and inserting the word "five" in lieu thereof; by striking out the word "twenty" in the fifteenth line and inserting in lieu thereof the words "one hundred;" also by striking out the word "one" in the twenty-third line and inserting the word "six" in lieu thereof; and by adding at the end thereof the following words:— "Provided, however, that nothing in this section contained shall apply to the waters commonly known as the Toronto Bay or to those known as Ashbridge's Bay.

City of
Toronto
authorized to
purchase
stock or shares
in Consumers'
Gas Co. on
receiving
general
consent of
ratepayers.

6. The Corporation of the City of Toronto shall have the right to purchase any stock or shares of the Consumers' Gas Company and to bid therefor at any sale or sales that may be made of such stock or shares when put up at auction, and to purchase the same at such auction or from any shareholder. It shall be not necessary to submit a by-law to the ratepayers entitled to vote on money by-laws before issuing debentures to raise the money for purchasing said stock or shares, provided a general consent of the ratepayers entitled to vote on money by-laws shall be first obtained for the purchase of stock or shares under the provisions of this Act. Such consent may be given by an affirmative vote of such ratepayers being obtained in favour of such purchase and issue upon a question or questions to be submitted to them by by-law under the provisions of *The Consolidated Municipal Act, 1903*,

as to submission of questions. Such questions may be submitted at a time other than the annual elections and such by-law need not specify the amounts of stock or shares to be purchased from time to time nor the times when such purchases are to be made.

7. In the event of the said Corporation of the City of Toronto holding stock or shares in the Consumers' Gas Company to the amount of a par value of \$10,000 or more and so long as a holding to the said amount shall continue the head of the said corporation shall be *ex officio* a director of the company in addition to the other directors thereof, and shall also be entitled to vote on all stock or shares so held at shareholders' meetings as might any shareholder owning the said stock or shares.

8. The power conferred upon the Corporation of the City of Toronto under the provisions of this Act to purchase stock or shares of the said company and to issue debentures for the purchase thereof shall not be subject to the limitation of the borrowing powers of the said city contained in the Act passed in the 52nd year of the reign of Her late Majesty, Queen Victoria, chaptered 74, and the amount of such debt incurred therefor (the investment being revenue producing), shall not be considered as part of the general debenture debt of the said city.

Head of corporation to be
ex officio
director of company so
long as city
holds stock of
\$10,000.

Power to pur-
chase share
not to be
subject to
limitation of
52 Vic

SCHEDULE A.

THE "WINDMILL LINE AGREEMENT."

Memorandum of Agreement in re Southward Removal of "Windmill Line,"
Toronto.

1. In this agreement, "the City" means the Corporation of the City of Toronto. "Owner" means any person or corporation who at the date of the issue of the patents hereinafter mentioned has any estate, right, title or interest, legal or equitable, in any riparian property, and the heirs, executors, administrators, successors and assigns of such person or corporation. "Riparian property" means any parcel of land, or land covered with water abutting on the Windmill Line. "Riparian owner" means the owner, as above defined, of any such riparian property. "Private riparian owner" means any owner of riparian property other than the City, and includes a Corporation. "Lessee" includes any person or corporation having less than a freehold interest in riparian property.

2. The water front of the City of Toronto to be moved southerly as hereinafter described.

(a) The Crown to grant the lands, and the lands covered with water, described as follows:—

Commencing on the east side of Parliament street, at the intersection the eof w th the Windmill Line; thence southerly upon the same course

as the present east side of Parliament street 394 feet; thence westerly parallel with the said Windmill Line to a point on the west side of York st., produced southerly; thence on a straight course to a point on the Windmill Line 250' feet more or less east of the east side of Peter street, measured along said Windmill Line to the easterly boundary of the Grand Trunk Railway property; thence from the said last mentioned point easterly along said Windmill Line to the place of beginning. Excepting throughout the strip of land, and land covered with water which coincide with the southward prolongation of all the streets now running to the south front of the Esplanade and the new street* to the south of the Windmill Line hereinafter mentioned in Clause 4.

3. Subject to the provisions of paragraph 6, the said grant is to be made to the Corporation of the City of Toronto upon trust for the use and benefit of the respective persons and corporations who at the date thereof are the owners or occupiers of the lands, and lands covered with water abutting upon the Windmill Line, or who then have any estates rights, titles or interests in the respective parcels of land, and land covered with water abutting upon the said Windmill Line; and each such person or corporation who has then any estate, right, title or interest in any property abutting upon the said Windmill Line shall have and be entitled to the same estate, right, title and interest in that part of the lands so to be granted as aforesaid, which lies in front of his said property, and is included within lines drawn parallel to the prolongations of the nearest City streets running north and south and the City shall convey to them so much of the said lands as lie in front of their respective riparian properties or private riparian properties, as herein mentioned; and shall lease such portions thereof as lie in front of riparian property owned by the said Corporation, but held under lease to the respective lessees or sub-lessees of such properties respectively, at a nominal rent for the unexpired term of such existing lease or sub-lease.

(a) The leases of such added lands shall be renewable from time to time at the option of the respective lessees, if the existing leases are renewable, and then on the same terms and conditions and with such covenant or covenants for renewal if any, as are contained in the existing leases of the present riparian property as above respectively mentioned, provided always that in fixing the rent upon any such renewal, the tenant and his executors, administrators and assigns shall never be chargeable with rent in respect of any improvements made upon such property by or at the expense of any person other than the superior landlord; or in respect of the added lands, it being nevertheless distinctly understood that on the resumption of the land by the owner in pursuance of any term or condition of the lease in that behalf contained, the lessee shall not be entitled to any compensation in respect of the value of the added land, but only for or in respect of the lessee's improvements thereon or thereto, which said improvements are to include the proportionate part of any actual expenditure made or incurred by the lessee in making the new street herein provided for, due allowance being made for the lessees' use thereof.

(b) In all cases where the City at the date of the said grant has itself any estate, right, title or interest in any parcel of land or land covered with water abutting on the Windmill Line, it shall have for its own use and benefit the same estate, right, title and interest in any portion of land extending in front of such parcel, as aforesaid.

4. The Crown to reserve an allowance for a new street, *66 feet wide, along the south side of the present Windmill Line, from the east side of Parliament street to the west side of John street, except between the east side of Scott street and the west side of York street, where such new street shall swerve southward and follow a line generally parallel to the southern limit of the Esplanade.

5. Upon such last mentioned allowance a street is to be constructed (within fifteen years from the date of the patent to the City; or within such shorter period as the same may be petitioned for as hereinafter provided), that is to say:

1st. As to the portions thereof which are prolongations of the existing streets, running southerly, by the City; and

*This is now commonly called Lake street.

2nd. As to the portions thereof between the said prolongations by the respective owners and lessees in proportion to their several and respective interests in the riparian property; but any such owner or lessee, instead of filling up the whole of said allowance to form such street, may construct and maintain (as to the portion not so filled up) a viaduct to the satisfaction of the City Engineer across any private or public slip; provided that in the case of a public slip the consent of the City Council must first be obtained, and as soon as the said new street is filled up, as aforesaid, across any public slip, then the City shall forthwith fill up the slip on the north of said street, and without liability to anyone for so doing.

Subject to the terms of any agreement between the owners of lands abutting upon any section of the said 66 feet strip so to be reserved by the Crown,* which extends from one slip to another, the owners and occupiers of riparian properties shall (each with regard to the portions of the said 66 feet reservation lying in front of his property), have the free use of the said strip or reservation until the same is filled up, throughout the entire length of the section of which the same forms a part, and is taken possession of by the City for the purpose of laying a roadway thereon, and the owners and occupiers of a riparian property adjoining any slip shall also have the sole and exclusive right to use the portion of the reservation for street herein provided for, which is opposite the extension of the slip on which their property so abuts, until such portion of the said reservation is filled up for a street, as aforesaid.

(a) Such new street shall be constructed up to "formation level" according to plans and specifications to be provided by the City, and in each case of objection or dispute (if any), such plans and specifications or the mode of executing the work shall be subject to the approval of the Minister of Public Works of Canada or of such persons as he may appoint.

In case at the time the city requires to construct the roadway or any part thereof of the riparian property and the land reserved for a street, as aforesaid, and any land beyond that has been substantially filled in, and such filling is sufficiently protected by a substantial breastwork, the ribbon or other breastwork required by the said plans and specifications for filling in and constructing said street up to the formation level shall as to such portion of said new street be dispensed with.

Above "formation level" such street shall be constructed by the City as a local improvement in accordance with the provisions of The Municipal Act or any private Act relating to local improvements for the time being in force in the City of Toronto, provided always that the construction of said street shall not be preventible by any petition from the owners or lessees of adjoining property, after the expiration of the said period of fifteen years.

The roadways upon the said slips above "formation level" shall in like manner be constructed by the City as local improvements under the Municipal Act or any private Act in that behalf then in force in the City of Toronto.

(b) In case any part of the said street is not constructed up to formation level within the time herein limited for that purpose, or at the time when the City may act upon any petition as hereinafter provided, the City may do what is necessary to complete such construction; and any expense so incurred shall be a debt due to the City from the persons or corporations respectively, who should have done the said work, and shall be the first lien or charge upon that portion of the property to be included in the above extension which lies directly south of the riparian property, in front of which such construction was not so completed. Such expenditure shall bear interest at five per cent. per annum from the respective times of payment by the City until paid, and shall become due and be payable so soon as the section of the work within which the particular property is situated shall have been completed and made fit for the use of the public, and no person or corporation shall be responsible for the construction of any part of the street except that which abuts upon his own land.

(c) Until the expiration of ten years from the date of the said patent to the City, the respective owners and occupiers of property fronting upon existing

existing slips shall continue to have the free use of such slips in their present condition, except in so far as they may consent to have same filled up as hereinafter provided in case of petition, and no person shall have any claim against the City for compensation or damage for the filling up of any slip after the expiration of said period of ten years, or after a petition sufficiently signed as hereinafter provided shall have been presented to the said Council.

(d) Notwithstanding anything herein contained, the City shall be at liberty at any time within the said period of fifteen years, above limited for the construction of said new street, upon the receipt of a petition duly signed by the owners and lessees entitled to petition for or against any local improvement under the provisions of the Consolidated Municipal Act of 1883, as amended by the Act 40 Victoria, Chapter 37, Section 32, where such owners and lessees represent two-thirds of their number and one-half in value of the riparian property described in the petition or two-thirds of its value to construct and complete the said new street, and the roadway in front of the property described in the petition and to fill up the intervening slips, being the continuation of streets running southward from the Esplanade to such new street, and to construct roadways therein; provided always that no such petition shall be acted upon unless the real property described therein comprises all of the real property lying between two or more of the existing streets, to be continued southerly to intersect the said new roadway as above provided. Provided always that this clause shall not apply to that portion of the said property lying between the west side of Scott street and the east side of Sherbourne street until the expiration of five years, nor to the portion thereof lying east of Sherbourne street until the expiration of the period of ten years from the date of the patent to the City.

(e) Owners and occupiers of property south of the southerly limit of the present Esplanade may run pipes across and under such new street allowance and take water from the Bay without charge for their own use on such property, but not for sale.

(f) No track shall ever be laid along any portion of such street for the use of railways or street railways.

6. Whenever any owner has constructed, or has paid for the construction of that part of the said street in front of his land up to "formation level," as herein described, he shall be entitled to a conveyance of his part of the land so to be granted to the City in fee simple; and if there are several persons having interests or estates in the same parcel of land, the conveyance shall be made to the said persons respectively, according to their respective estates and interests. Owners who have not completed the said work (or all the said work) in front of their respective lots, shall be entitled to their respective conveyance upon payment to the City of the amount due under paragraph 5 (b) of this agreement.

(2) In case any owner in fee other than the City so desires, and at any time within six months from the date of this agreement gives notice of such desire to the City and to the Minister of Public Works of Canada; then and in such case the patent of the extension in front of the riparian property of such owner instead of being issued to the City shall be issued to such owner, but each such patent shall contain the following conditions, that is to say:

(a) That within fifteen years from the date of the issue of the patent, unless the new street has been sooner done on petition as hereinbefore provided, the patentee or his assigns shall fill up that part of such new street lying in front of his land to "formation level," as mentioned in paragraph 5 of this agreement.

(b) That in case such patentee or his assigns fails to comply with the above condition, the City may do what is necessary to complete such work up to formation level, and the expense so incurred shall be a first charge and lien on the property included in said patent, and shall be payable as provided in paragraph 5 (b), and shall bear interest at five per cent. per annum until paid, and the said lien may be enforced in any Court of competent jurisdiction; and

(c) each

(c) Each such patent and conveyance shall also contain the same trusts and provisions in favor of all persons claiming under the patentee or his predecessors in title, whether by lease or otherwise, as those to be contained in the above mentioned patent to the City for the benefit of its lessees and sub-lessees.

7. Existing rights of property holders to reach the respective railway tracks, and of the railway companies respectively to reach the new water front or any other locality by any means whatever, are not to be affected by this agreement.

8. Any owner or occupant of land fronting on the said new street may, with the consent of the City Council and under such regulations as the City Council may from time to time prescribe, construct and maintain a tunnel under the said new street, or may carry overhead bridges or other means of conveyance across the same, the plans and specifications of any such proposed work to be first submitted to and approved of by the City Engineer.

9. The intention of this agreement and of the provisions thereof is that the benefit and the burden to arise from the addition to any parcel of land abutting upon the Windmill Line of the land covered by water extending to the new line hereinbefore mentioned; and from the expenditure in the construction and maintenance of the new street (by whomsoever constructed) shall be enjoyed and enure to and be borne respectively by all persons having estates, rights, titles or interests, legal or equitable, in any such parcel in just and equitable proportion; regard being had to the nature, extent and duration of such estates, rights, titles or interests respectively, and to the rights and equities of such, as between themselves in respect thereof. And in the case of any dispute or difference between any of the said parties respecting the terms hereof or any matter arising out of it or of the carrying of it out, such dispute or difference may be determined in a summary way without any action or proceedings by the Supreme Court of Judicature of Ontario, on motion to be made to the said Court after ten clear days' notice.

11. Approved as amended this Fifteenth day of March, A.D. 1888.

(Signed) GEORGE M. CLARK,
 For C. P. R.

(Signed) DALTON McCARTHY,
 For Dalton and Bayley and
 E. Rogers & Co.

(Signed) FREELAND ESTATE,
 Riparian Owners.

(Signed) W. G. McWILLIAMS,
 For City of Toronto.

N.B.—The above agreement was ratified by the City Council on March 1st, 1888, and again November 19th, 1888.

SCHEDULE B.

No. of By-Law.	Nature of Work under By-law.	When passed by Council.	Total cost of work.	Amount to be borne by City.	Amount to be borne by ratepayers.	Period of payment of interest.	Rate of interest.
4209	General Consolidated Loan Debentures for the purchase of a new 15,000,000 gallon engine for the main pumping station.	February 9, 1903.....	\$ 175,000 00	\$ 175,000 00	.....	39	3½
4210	Local Improvement Debentures, to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1902.	February 9, 1903.....	\$ 86,004 37	\$ 23,756 74	\$ 62,247 63	10	3½
4211	Local Improvement Debentures, to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1902.	February 23, 1903.....	\$ 104,367 49	\$ 16,929 91	\$ 87,437 58	10	3½
4215	Local Improvement Debentures, to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1902.	March 9, 1903.....	\$ 166,327 01	\$ 52,866 65	\$ 113,460 36	10	3½
4216	Local Improvement Debentures to defray the ratepayers' share of the cost of certain brick pavements constructed in the year 1902.	March 9, 1903.....	\$ 35,548 16	\$ 12,193 30	\$ 23,354 86	10	3½
4217	Local Improvement Debentures to defray the ratepayers' share of the cost of certain tar macadam pavements constructed in the year 1902.	March 9, 1903.....	\$ 21,801 65	\$ 5,978 15	\$ 15,823 50	5	3½
4218	Local Improvement Debentures to defray the ratepayers' share of the cost of certain cedar block pavements constructed in the year 1902.	March 9, 1903.....	\$ 19,453 32	\$ 4,799 45	\$ 14,653 87	Various.	3½
4219*	Local Improvement Debentures to defray the ratepayers' share of the cost of certain plank sidewalks, constructed in the year 1902.	March 9, 1903.....	\$ 13,184 00	\$ 2,258 59	\$ 10,925 41	3	3½
4222	Local Improvement Debentures to defray the ratepayers' share of the cost of certain plank sidewalks constructed in the year 1902.	March 23, 1903.....	\$ 2,111 51	\$ 364 89	\$ 1,746 62	3	3½
4223	Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1902.	March 23, 1903.....	\$ 4,996 54	\$ 25,190 59	\$ 10	3½	

4224	Local Improvement Debentures to defray the rate-payers' share of the cost of certain sewers constructed in the year 1902	April 6, 1903	7,035 97	1,201 58	5,834 39	10	3½
4225	Local Improvement Debentures to defray the rate-payers' share of the cost of certain macadam pavements constructed in the years 1901-1902	April 6, 1903	62,712 82	18,939 99	43,772 83	Various.	3½
29	s. 4226 Local Improvement Debentures to defray the rate-payers' share of the cost of certain brick sidewalks constructed in the year 1902	April 6, 1903	802 22	162 11	700 11	10	3½
4227	Macadam roadway on Balmuto street, between Bloor street and Czar street	April 6, 1903	2,281 26	680 36	1,600 90	4	3½
4228	Cement concrete pavement on the first lane south of King street, between Church street and a point distant two hundred and eighteen feet west	April 6, 1903	928 92	207 92	721 00	10	3½
4229	Brick Pavement on Duncan street, between King street and Adelaide street	April 6, 1903	5,246 87	2,422 87	2,824 00	10	3½
4230	Local Improvement Debentures to defray the rate-payers' share of the cost of certain stone curbing constructed in the year 1902	April 6, 1903	2,070 16	631 24	1,438 92	10	3½
4231	Local Improvement Debentures to defray the rate-payers' share of the cost of certain wood curbing constructed in the year 1902	April 6, 1903	2,429 79	1,029 05	1,400 74	3	3½
4239	Local Improvement Debentures to defray the rate-payers' share of the cost of certain concrete sidewalks constructed in the year 1902	April 23, 1903	8,868 88	1,349 51	7,519 37	10	3½
4244	Grading Beatrice street, between College street and a point four hundred and twenty-two feet north of the north-east corner of College street and Beatrice street	May 4, 1903	565 73	92 77	472 96	5	3½
4245	Sewer on Macdonell Avenue, between a point one hundred and thirty-four feet north of Wright avenue and a point one hundred and forty-four feet further north	May 4, 1903	371 42	.....	371 42	10	3½
4251	Local Improvement Debentures consolidating the broken amounts, being the ratepayers' share named in certain local improvement by-laws	June 15, 1903	421,497 06	.....	421,497 06	Various.	3½
4252	Local Improvement Debentures, consolidating the City's proportion of the amounts named in certain local improvement by-laws	June 15, 1903	150,861 62	.....	150,861 62	Various.	3½

SCHEDULE B.—*Continued.*

No. of By-Law.	Nature of Work under By-Law.	When passed by Council.	Total cost of work.	Amount to be borne by City.	Amount to be borne by ratepayers.	Period of payment.	Rate of interest.
4255	General Consolidated Loan Debentures to pay for the enlargement of the present Isolation Hospital.....	June 29, 1903	17,000 00	17,000 00	.....	10	3½
4261	General Consolidated Loan Debentures to pay for enlarging certain school sites for the Public Schools.....	July 13, 1903	65,000 00	65,000 00	.....	40	3½
4262	General Consolidated Loan Debentures to pay for enlarging and completing certain school houses for the Public Schools.....	July 13, 1903	17,000 00	17,000 00	.....	40	3½
4273	General Consolidated Loan Debentures to pay for making certain permanent improvements to Harbord Street Collegiate Institute	Nov. 2, 1903	5,000 00	5,000 00	.....	10	3½

CHAPTER 71.

An Act respecting the Town of Toronto Junction.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Municipal Council of the Town of Toronto Junction has by its petition represented that owing to the largely increased population of the Town, the Public School Board is unable to provide school accommodation for all the children of school age in the said Town and it is desirable for that purpose to enlarge the Western Avenue Public School in the said Town; that the said Corporation is unable to raise sufficient money in school rates in any year to provide for the enlarging of the said school building or to raise money on debentures for that purpose owing to the restriction placed on the powers of the said Corporation by the Act passed in the 61st year of the reign of Her late Majesty Queen Victoria, chaptered 55; that it is desirable that the said Corporation should be authorized to use the moneys deposited in an account known as "The Corporation of Toronto Junction Debenture Principal Account" in the Molson's Bank for that purpose; that it appears that a large majority in value of the holders of the debentures issued under the Act passed in the 61st year of the reign of Her late Majesty Queen Victoria, assent thereto and that there is no opposition on the part of any such debenture-holders, nine-tenths of whom have by counsel appeared and expressed their consent; and whereas it appears that no provision was made in the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 103 for the death of both Herbert C. Hammond and John K. McDonald, members of the committee therein mentioned; and whereas the said corporation has by its petition prayed for special legislation in respect of the matters hereinbefore set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Town of Toronto Junction and the Molsons Bank may and are hereby authorized to pay over to the treasurer of the said corporation for the use and benefit of the Toronto Junction Public School Board, to be used only for

Town of
Toronto Juno-
tion authordized
to pay over to
treasurer of
School Board
certain
moneys.
for

for enlarging and furnishing the Western Avenue Public School in the said town, the moneys deposited in an account known as "The Corporation of Toronto Junction Debenture Principal Account" in the Molsons Bank in pursuance of section 3 of the Act passed in the 63rd year of the reign of Her late Majesty, Queen Victoria, chaptered 103, and all interest accrued and to accrue thereon to the date of such paying over as is herein provided for. Payments to the treasurer shall be made to him on cheques signed by the mayor and treasurer drawn on the Toronto Junction branch of the said bank, and they shall only withdraw such moneys, from time to time, as required to pay the amount of the certificates granted by the architect for the cost of erecting and furnishing the said building, and it shall not be necessary for the said bank to enquire into the necessity or propriety of withdrawing any of such moneys. Any such moneys not required for such erection and furnishing shall remain in the said bank on the same trust as heretofore.

Assessment
and collector's
rolls and tax
sales validated
and confirmed.

2. All assessment rolls of the said town heretofore finally revised, and all collector's rolls of the said town and all collectors' returns heretofore made, are hereby validated and confirmed, and all sales of lands in the said town made before the 31st day of December, 1902, for arrears of taxes in respect of the lands so sold, including sales of lands which may have been purchased by the council of the said corporation or by any one on behalf of the said council under the provisions of *The Assessment Act*, and all tax deeds issued in pursuance of such sales are confirmed and declared to be and to have been legal, valid and binding to all intents and purposes notwithstanding any error or irregularity in the said sales or deeds or in any of the proceedings including the assessment of the said lands or proceedings to collect the taxes thereon taken prior to the said sales and the execution of the said deeds; provided that this shall not validate any such sale unless taxes were at the time thereof in arrear for such period of time as required by the statute in that behalf.

63 V. c. 103, s. 18
amended.

3. Section 13 of the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 103, is amended by adding thereto the following words "And if both the said Herbert C. Hammond and John K. McDonald die or be unable or unwilling to act as members of such committee, then the majority of the holders of the bonds issued pursuant to the Act passed in the 61st year of the reign of Her late Majesty Queen Victoria, chaptered 55, may from time to time, by writing, signed by them, appoint one or two members (as occasion may require), who in conjunction with the mayor of the town shall form a committee, with all the powers conferred on the committee named in this Act."

CHAPTER 72.

An Act to consolidate the Debt of the Town of Trenton.

Assented to 26th April, 1904.

WHEREAS the Municipal Corporation of the Town of Preamble. Trenton, has by petition prayed that an Act may be passed to consolidate certain debts of the said town being the sum of \$23,900 for which debentures have been issued for water power purposes, \$10,500 incurred for improvement and repairs in the said water power works; and \$7,000 owing to the County of Hastings as the balance of its quota towards the cost of administration of justice, the said debts amounting in all to \$40,500; and whereas no objection has been made to the said petition; and whereas it has been made to appear that at the last municipal election the electors of the said town endorsed the proposed consolidation; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Corporation of the Town of Trenton aforesaid to raise by way of loan on the credit of the Debt consolidated and debentures for \$40,500 authorized. debentures to be issued under the authority of this Act, from any person or persons or body corporate a sufficient sum or sums to retire the said existing debenture and floating debt in all amounting to \$40,500, exclusive of interest thereon.

2. It shall be lawful for the said corporation from time to time to pass a by-law or by-laws providing for the issue of debentures under the corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums not less than \$100 each and not exceeding in the aggregate \$40,500 and payable at such places as the corporation may deem expedient. Issue of debentures.

3. The said corporation may for the purpose herein mentioned raise money by way of loan on the said debentures Power to sell or borrow on debentures.

or

or sell and dispose of the said debentures from time to time as may be deemed expedient.

Payment of
debentures
and interest.

4. The said debentures shall be payable in not more than thirty years from the issue thereof as the said corporation may direct. Coupons shall be attached to said debentures for the payment of the interest thereon, and such interest shall be payable yearly at the places mentioned therein, and in the coupons attached thereto; and such debentures may bear interest at any rate not exceeding four per cent. per annum.

Term of
debentures.

5. Any debt incurred under the authority of this Act shall be payable in thirty years at furthest from the date of the passing hereof, and shall be payable in equal annual instalments including principal and interest, in such manner that the amount payable and to be raised and levied in any one year on account of principal and interest shall be equal as nearly as may be to what is payable and to be raised and levied during each of the other years during the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called the "Consolidated Debenture Rate;" and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Application
of proceeds
of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the Town of Trenton to the amount of \$40,500, and in no other manner and for no other purposes whatsoever; and such debentures may be known as the "Consolidated Debt Debentures."

Retirement of
outstanding
debentures.

8. The treasurer of the said town shall on receiving instructions from the council so to do from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures; and shall discharge the same with the funds raised under the preceding sections of this Act; or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-law not to
be repealed
until debt
satisfied.

9. Any by-law to be passed under this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

10. It shall not be necessary to obtain the assent of the electors of the said Town of Trenton to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by <sup>Assent of
electors no
required.</sup> <sup>3 Edw. VII
c. 19.</sup> *The Consolidated Municipal Act, 1903.*

11. It shall be the duty of the treasurer for the time being of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the time at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts ; and the said book of account and statement shall, at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or any of such debentures. <sup>Treasurer to
keep proper
books of
account.</sup>

12. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Trenton from any indebtedness or liability which may not be included in the said debt of the said Town of Trenton. <sup>Indebtedness
of town not
discharged.</sup>

13. The said debentures issued under this Act may be in the form contained in Schedule A to this Act; and the by-laws authorizing the same may be in the form of Schedule B to this Act. <sup>Form of
debentures.</sup>

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act ; and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof ; and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof. <sup>Inconsistent
enactments
not to apply.</sup>

Short title.

15. This Act may be cited as *The Town of Trenton Debenture Act, 1904.*

SCHEDULE A.

(Section 13.)

DEBENTURE.

Province of Ontario, Town of Trenton.

No.

\$

Under and by virtue of The Town of Trenton Debenture Act, 1904, and by law No. of the Corporation of the Town of Trenton, passed under the provisions contained in the said Act, the Corporation of the Town of Trenton promise to pay the bearer at in the sum of on the day of A.D. and the yearly coupons hereto attached, as the same shall severally become due.

Dated at Trenton, in the County of Hastings, this day of A.D.

Mayor.
Treasurer.

SCHEDULE B.

(Section. 13.)

By-Law.

By-law No. To authorize the issue of Debentures under the authority of The Town of Trenton Debenture Act, 1904.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned not to exceed \$40,500 in the whole as the corporation of the Town of Trenton may in pursuance of and in conformity with the provisions of the said Act direct.

And whereas for the purposes of the said Act it is necessary and expedient to issue debentures to the extent of \$ payable with interest thereon at the rate of per centum, per annum, payable yearly according to the coupons to the said debentures attached.

And whereas the amount of the whole rateable property of the said Town of Trenton, according to the last revised assessment roll of the said town, being for the year was \$

Therefore the municipal corporation of the Town of Trenton enacts as follows:

1. Debentures under the said Act and for the purposes mentioned therein to the extent of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons attached thereto for the payment of interest at the rate of per centum per annum payable yearly on the day of in each year.

This by-law passed in open Council this day of in the year of our Lord

CHAPTER 73.

An Act to consolidate the Floating Debt of the
Town of Wallaceburg.

Assented to 26th April, 1904.

WHEREAS the Corporation of the Town of Wallaceburg Preamble. has, by petition, represented that the said corporation has incurred a floating debt amounting to the sum of \$24,000 arising from extraordinary expenditures upon its streets and in constructing granolithic sidewalks and increasing its fire protection all necessitated by the rapid growth of the said town in consequence of the establishment and construction of a sugar factory there, all being of a permanent character; and to liquidate the said floating debt forthwith in addition to meeting the ordinary necessary annual expenditures would be unduly oppressive to the ratepayers; and whereas owing to the approaching expiry of exemption from taxation of large manufactory plants and the valuable assets of the said town in bridges, schools, etc., the incurring of such floating debt has not been reckless or extravagant; and whereas the said corporation have by their said petition further represented that on the fourth day of January, 1904, the council of the said corporation submitted to the ratepayers of the said town a certain By-law No. 93, which is set forth as Schedule A to this Act authorizing the borrowing of the said sum of \$24,000 repayable in thirty equal annual instalments for the purpose of liquidating the said floating debt which said by-law was duly carried and was subsequently passed by the said council; and whereas the said corporation have by their petition prayed that an Act may be passed to confirm and legalize the said by-law and to authorize the borrowing of the sum of \$24,000 as therein provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said By-law No. 93 of the Municipal Corporation of the Town of Wallaceburg as set forth in full in Schedule A to this Act is declared legal, valid and binding upon the said municipal By-law 93 consolidating debts confirmed.

municipal corporation in the same manner and to the same extent as if set out at length and incorporated in this Act and notwithstanding any want of jurisdiction in the said municipality to pass the said by-law and notwithstanding any defect in substance or in form in the said by-law or in the manner of passing the same.

Corporation authorized to borrow \$24,000.

2. It shall be lawful for the said Municipal Corporation of the Town of Wallaceburg to raise by way of loan the sum of \$24,000 on the credit of the debentures issued or to be issued under and pursuant to the provisions of the said by-law and repayable in the manner and at the times therein provided.

Proceeds of loan, application of.

3. The said debentures and all monies arising therefrom shall be applied by the said corporation in payment of the said floating debt of \$24,000 and in no other manner and for no other purpose whatsoever.

SCHEDULE A.

By-law No. 95.

A By-law for the purpose of consolidating the floating debt of the Town of Wallaceburg.

Whereas it is expedient and considered necessary by the Council of the Corporation of the Town of Wallaceburg to raise by the sale of Debentures of said Town a certain sum of money to pay off the now existing floating debt of the said Town, which now amounts to the sum of \$24,000.00.

And whereas in order to pay off such floating debt it will be necessary to raise by sale of debentures of said Town the sum of \$24,000.00, to be repaid in thirty equal annual instalments, including interest, and that said debentures shall bear interest at the rate of 4½ per cent. per annum and that each instalment of principal and interest shall be of such amount that the aggregate amount payable in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period.

And whereas it will require the sum of \$1,473.40 to be raised annually from all the rateable property in the said Town during the currency of said debentures for paying said debt and interest.

And whereas the amount of the whole rateable property of the Town of Wallaceburg according to the last revised assessment roll of said Town being for the year 1903 amounts to \$681,585.00.

And whereas the existing debenture debt of the Municipality of the Corporation of the Town of Wallaceburg amounts to \$88,999.00 and no part of the principal or interest is in arrears.

And whereas of such debenture debt the sum of \$4,263.94 consists of Public School Debentures.

Now therefore the Municipal Council of the Town of Wallaceburg, enacts as follows:—

1. That the sum of twenty-four thousand dollars shall be raised by way of loan from some person or persons or body corporate who may be willing to advance the same for the purpose hereinbefore recited and that the said sum and interest at the rate of 4½ per cent. per annum shall be repaid in thirty equal annual instalments of \$1,473.40 each, including interest.

2. That for the purpose aforesaid and for securing the said sum of twenty-four thousand dollars and interest the Mayor of the said Town of Wallaceburg is hereby authorized for and on behalf of the Corporation of the Town of Wallaceburg to be caused to be issued debentures in the sum of not less than (\$100.00) one hundred dollars each, and cause the seal of the said Corporation to be attached thereto and such debentures shall be signed by the said Mayor and countersigned by the Treasurer of the Municipality, and that said debentures shall have coupons attached for the payment of interest.

3. That said debentures shall be payable respectively in thirty equal annual instalments including interest of \$1,473.40 each from the day of the date of such debenture upon presentation at the Bank of Montreal at Wallaceburg.

4. There shall be raised and levied in each year by special rate upon all the rateable property in the said Corporation of the Town of Wallaceburg a sufficient sum to discharge each debenture and interest coupon as the same shall become due and payable.

5. That this By-law shall take effect on the eighteenth day of January, 1904.

6. That the votes of the ratepayers entitled to vote on By-laws in the Corporation of the Town of Wallaceburg shall be taken on this By-law at the following time and places, that is to say, on Monday, the 4th day of January, 1904, when a poll will be opened at nine o'clock in the forenoon and continue open until five o'clock in the afternoon of the same day in the following places named:—

St. Andrew's Ward, at the Town Hall, C. B. Jackson, Deputy Returning Officer.

St. George's Ward, at the Fire Hall, H. E. Johnson, Deputy Returning Officer.

St. James' Ward, at Harry Martin's shop, Harry Martin, Deputy Returning Officer.

7. On Saturday the second day of January, 1904, the Mayor shall attend at the Clerk's Office at 8 o'clock p.m. to appoint and shall appoint persons to attend the following places and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this By-law.

8. The Clerk of the Council of the Corporation of the Town of Wallaceburg shall attend at his office in the said Corporation at 10 o'clock in the forenoon on Tuesday the fifth day of January, 1904, and sum up the number of votes given for and against this By-law.

Passed in open Council this eighteenth day of January, 1904.

H. E. JOHNSON, Clerk. T. B. DUNDASS.

Received the assent of the ratepayers January 4th, 1904.

CHAPTER 74.

An Act respecting the City of Windsor.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Municipal Corporation of the City of Windsor has by petition prayed for special legislation in respect to the several matters hereinafter set forth ; and whereas no opposition has been offered to the same ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Constructing pavements
of asphalt,
brick, etc.

1. Notwithstanding anything contained in By-Law No. 982 of the Corporation of the City of Windsor, confirmed by an Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chapter 108, in the event of a two-thirds majority of owners of real property fronting or abutting upon any portion not less than 1,000 feet in length of that part of any thoroughfare or street particularly mentioned and defined in the schedules to the said By-law No. 982, representing more than two-thirds in value thereof, desiring to have the same paved with asphalt, brick or other durable material rather than with macadam, and not later than six months prior to the date when, according to Schedule B to the said by-law, such part of such thoroughfare, or other street, is to be paved with macadam, shall over their respective signatures petition the Council of the Corporation of Windsor to substitute upon such part of such thoroughfare, or other street, for macadam, either of the aforesaid kinds of pavement, and in the said petition shall agree in legal form to pay all the cost of such other kind of pavement over and above the cost of constructing macadam thereon, such payment to be made to the municipality by a special equal annual rate to be imposed upon the said real property for and during the period of ten years from and after the completion thereof, the Council for the time being may by a two-third's vote comply with the prayer of such petition by constructing the kind of pavement therein asked for, and out of the then current year's instalment of the loan

loan provided for in By-Law No. 982 contribute towards the cost thereof a sum equal to the sum a macadam pavement upon such portion of thoroughfare, or other street, would cost; the last named cost to be determined by the then ascertained cost of macadam per square yard upon the streets of a similar character; and to pass any by-law or by-laws that may be necessary to provide temporarily the amount of the said excess of cost and to levy and collect the same by annual instalments as aforesaid.

2. By-laws No. 1,034 of the Municipal Corporation of the City of Windsor, passed on the 7th day of October, 1901, authorizing the construction of asphalt block pavement upon Sandwich Street from Goyeau Street to Church Street and upon Ouellette Avenue from Sandwich Street to London Street in the said City of Windsor, and By-law No. 1,079 of the said corporation, passed on the 23rd day of February, 1903, confirming the said By-law No. 1,034, ascertaining and levying the rate for the said pavement authorized to be constructed under By-law No. 1,034, and authorizing the issue of debentures for payment thereof, and all the debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof which said by-laws other than the schedules thereto are set out in Schedules A and B to this Act are declared legal and valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction in the said municipality to pass such by-law, and notwithstanding any defect in substance or in form of the said by-laws or in the manner of the passing of the same.

By-law No.
1,034, (Goyeau
St. pavement)
confirmed.

3. Nothing in this Act contained shall prejudice or affect costs in pending actions in any way the question of costs of any action or proceeding now pending.

SCHEDULE A.

By-law No. 1,034.

A By-law respecting Asphalt Pavements on Sandwich and Ouellette Streets.

Passed October 7th, 1901.

Whereas section 9 of By-law 982 of the City of Windsor passed on the 21st of August, 1899, and confirmed by chapter 108 of the Statutes of Ontario, assented to on the 30th April, 1900, provides that in the event of a majority of the owners of real property fronting or abutting upon that part of any thoroughfare or other street particularly mentioned and defined in the schedules attached to and forming part of said By-law representing more than half in value thereof, desiring to have the same paved with asphalt, brick or other durable material rather than with macadam and not later than six months prior to the date when such part of such thoroughfare or other street is, according to Schedule B of said By-law, to

to be paved with macadam, shall over their respective signatures, petition the Council of said City to substitute upon such part of such thoroughfare or other street for macadam either of the aforesaid kinds of pavement and in said petition shall agree in legal form to pay all the cost of such other kind of pavement over and above the cost of constructing macadam thereon, such payment to be made to the Municipality by a special equal annual rate to be imposed upon said real property for and during a period of ten years from and after the completion thereof, it shall be the duty of said Council to comply with the prayer of such petition by constructing the kind of pavement therein asked for, and out of the then current year's instalment of the loan authorized by said By-law 982 to contribute towards the cost thereof a sum equal to the sum a macadam pavement, upon such portion of thoroughfare or other street would cost, the last named cost to be determined by the then ascertained cost of macadam per square yard upon other streets of a similar character, and to pass any By-law or By-laws that may be necessary to provide temporarily the amount of the said excess of cost and to levy and collect the same by annual instalments as aforesaid;

And whereas, acting upon the provisions of said section 9 of said By-law 982, a majority of the owners of real property fronting or abutting upon that portion of Ouellette Street lying between Sandwich Street and London Street in said City, representing more than one-half in value thereof, on the 25th day of March, 1901, petitioned the said Council to pave said portion of Ouellette Street with asphalt paving blocks rather than with macadam and assess and levy the cost thereof in excess of the cost of paving the same with macadam upon the real property fronting or abutting upon said portion of Ouellette Street by an equal annual sum per foot frontage or flankage of such real property during a period of ten years;

And whereas on the 9th day of April, 1901, a majority of the owners of real property fronting or abutting upon that portion of Sandwich Street lying between Goyeau Street and Ferry Street in said City petitioned the said Council to pave said portion of Sandwich Street with asphalt paving blocks rather than with macadam and assess and levy the cost thereof in excess of the cost of paving the same with macadam upon the real property fronting or abutting upon said portion of Sandwich Street by an equal annual sum per foot frontage or flankage of such real property during a period of ten years;

And whereas on the 22nd day of April, 1901, a petition was presented to said Council by a majority of the owners of real property fronting or abutting upon that portion of Sandwich Street lying between Ferry Street and Dougall Avenue, and another petition by a majority of the owners of real property fronting or abutting upon that portion of Sandwich Street lying between Dougall Avenue and Church Street, in said City, in both said cases representing more than one-half in value of said real property, praying for the paving of said portions of Sandwich Street with asphalt paving blocks rather than with macadam and for assessing and levying the cost of such asphalt block pavement in excess of the cost of paving the same with macadam upon the real property fronting or abutting upon said portions of Sandwich Street by an equal annual sum per foot frontage or flankage of such real property during a period of ten years;

And whereas the said portion of Ouellette street and the said portions of Sandwich street are embraced in Schedule B of said By-law 982, and in that portion of the pavement to be under the authority of said By-law paved this present year:

And whereas the said Council on the respective dates above recited in respect to said petitions, decided to grant the prayer thereof upon the terms therein set out;

And whereas the Clerk of the Municipality, in compliance with instructions received from said Council, published a notice of the intention of the Council to pass a By-law or By-laws to construct on said portion of Ouellett

Ouellette street and on said portions of Sandwich Street an asphalt pavement in conformity with the prayer of said petitions, the notice respecting the work on Ouellette Street and on that part of Sandwich street lying between Goyeau Street and Ferry Street, being published in the Evening Record and the Essex County World, two newspapers published in said city, on the 19th and 26th days of April, 1901, and the notice respecting the work on that part of Sandwich Street lying between Ferry Street and Church Street in the same newspapers on the 26th day of April and the 3rd day of May, 1901, a copy of said notices respectively being marked A, B and C and attached hereto :

And whereas no petition against the construction of said asphalt block pavement in lieu of macadam on said portions of said streets nor against an assessment therefor has been presented to said Council, nor been received from the owners of the real property to be immediately benefited thereby or any of them ;

And whereas it is necessary to authorize the construction of the said asphalt block pavement on the said portion of Ouellette Street and on the said portions of Sandwich Street, and to make provision for the cost of the said work ;

And whereas it is necessary to appoint a Commissioner to ascertain and determine what real property will be immediately benefited by the construction of the said asphalt block pavement and also the proportions in which an assessment is to be made upon the various portions of such real property to cover the cost of the work ;

And whereas it is necessary to authorize the borrowing of a sum of money sufficient to meet the cost of said asphalt block pavement as the work thereon progresses, and also to authorize the Mayor of the City to enter into a contract with some manufacturer for supplying the necessary asphalt blocks with which to construct said pavement ;

Therefore the Corporation of the City of Windsor by the Council thereof enacts as follows :—

1. That Ouellette Street from Sandwich Street to London Street, and Sandwich Street from Goyeau Street to Church Street, in the City of Windsor shall during the year 1901 be paved with asphalt paving blocks rather than with macadam, which blocks shall be of standard size and be laid upon a foundation consisting of six inches in depth of broken stone, covered with two inches of sand ; the whole of the work of constructing the same shall be done under the immediate direction and supervision of the Overseer of Highways of said City, and under the authority of section nine of By-law numbered 982 as amended and confirmed by Chapter 108 of 63 Victoria, Ontario ; and said pavement shall be so made as to conform as nearly as may be to the existing level and grade of said portions of said streets and of the width (as far as possible) fixed for the macadam pavement on said portions of said streets by said by-law.

2. That the portion of the cost of said asphalt block pavement in the case of both of the said streets, equal to the cost of paving the same with macadam, shall be borne by and be paid out of the twenty thousand dollars to be raised and expended upon the pavements to be constructed within the year 1901, under the provisions of said By-law 982, and said chapter 108 of 63 Victoria, and the excess of the cost of said asphalt pavement over the cost of paving said portions of said streets with macadam shall be met and borne by imposing and levying therefor annually for and during a period of ten years a sufficient equal special rate per foot, frontage or flankage, upon all the real property immediately benefited thereby, except the portion of said excess of said cost that may be incurred by and chargeable for paving street crossings or street intersections, which latter shall be paid out of the general funds of the Municipality.

3. That the Mayor and Treasurer of said City shall be and they are hereby authorized and empowered to effect with some chartered bank having an agency in Windsor, upon the most reasonable terms obtainable, a temporary advance or loan sufficient to meet the cost of said asphalt block pavement on Ouellette Street and Sandwich Street, as aforesaid, in excess of the cost of paving said portions of said streets with macadam as the work thereon progresses, such temporary advance or loan to be repaid to the bank loaning the same out of the proceeds of debentures to be issued therefor by said Council after the completion of the work as soon as said debentures can be sold.

4. That the said Mayor shall be and he is hereby authorized and empowered to execute on behalf of the municipality a contract or contracts with some responsible manufacturer or manufacturers for supplying the necessary asphalt paving blocks, and any other material or materials that may be required for constructing, making and completing the aforesaid pavements.

5. That A. J. Halford shall be and he is hereby appointed a Commissioner to ascertain and determine in the manner directed by law, what real property will be immediately benefited by the construction of the aforesaid asphalt block pavements, and to ascertain and determine the proportions in which an assessment is to be made upon the portions of real property so benefited to meet the cost of the work in excess of the cost of paving the said portions of Ouellette Street and Sandwich Street with macadam; and the said A. J. Halford shall receive for his services as such Commissioner, after the final hearing and determining of any appeal or appeals that may be made against the assessment made by him for said pavement as aforesaid such a sum of money as said Council may deem just.

6. That this By-law shall come into force and take effect on and from the 7th day of October, 1901. (Signed)

(Signed) JOHN DAVIS,

Mayor.

(Signed) STEPHEN LUSTED,

Clerk.

SCHEDULE B.

By-law No. 1,079.

A By-law to raise by way of loan the sum of \$28,363.37, being the amount of the cost of constructing an asphalt block pavement upon portions of Sandwich Street and upon a portion of Ouellette Street in excess of the cost of paving said portions of said streets with Macadam, and for other purposes therein mentioned.

Passed February 23rd, 1903.

Whereas section 9 of By-law 982 of the City of Windsor, passed on the 21st of August, 1899, and confirmed by chapter 108 of the Statutes of Ontario, assented to on the 30th April, 1900, provides that in the event of a majority of the owners of real property fronting or abutting upon that part of any thoroughfare or other street particularly mentioned and defined in the schedules attached to and forming part of said By-law representing more than half in value thereof, desiring to have the same paved with asphalt, brick or other durable material rather than with macadam and not later than six months prior to the date when such part of such thoroughfare or other street is according to schedule B of said By-law to be paved with macadam, shall, over their respective signatures

natures, petition the Council of said City to substitute upon such part of such thoroughfare or other street for macadam, either of the aforesaid kinds of pavement, and in said petition shall agree in legal form to pay all the cost of such other kind of pavement over and above the cost of constructing macadam thereon, such payment to be made to the Municipality by a special equal annual rate to be imposed upon said real property for and during a period of ten years from and after the completion thereof, it shall be the duty of said Council to comply with the prayer of such petition by constructing the kind of pavement therein asked for, and out of the then current year's instalment of the loan authorized by said By-law 982 to contribute towards the cost thereof a sum equal to the sum a macadam pavement upon such portion of thoroughfare or other street would cost, the last named cost to be determined by the then ascertained cost of macadam per square yard upon other streets of a similar character, and to pass any By-law or By-laws that may be necessary to provide temporarily the amount of said excess of cost and to levy and collect the same by annual instalments as aforesaid ;

And whereas, acting upon the provisions of said section 9 of said By-law 982, a majority of the owners of real property fronting or abutting upon that portion of Ouellette Street lying between Sandwich Street and London Street in said City, representing more than one-half in value thereof, on the 25th day of March, 1901, petitioned the said Council to pave said portion of Ouellette Street with asphalt paving blocks rather than with macadam, and assess and levy the cost thereof, in excess of the cost of paving the same with macadam, upon the real property fronting or abutting upon the said portion of Ouellette Street by an equal annual sum per foot frontage or flankage of such real property during a term of ten years.

And whereas on the 9th day of April, 1901, a majority of the owners of real property, fronting or abutting upon that portion of Sandwich Street lying between Goyeau Street and Ferry Street in said City petitioned the said Council to pave such portion of Sandwich Street with asphalt paving blocks rather than with macadam, and assess and levy the cost thereof, in excess of the cost of paving the same with macadam, upon the real property fronting or abutting upon said portion of Sandwich Street, by an equal annual sum per foot frontage or flankage of such real property during a period of ten years ;

And whereas on the 22nd day of April, 1901, a petition was presented to said Council by a majority of the owners of real property fronting or abutting upon that portion of Sandwich Street lying between Ferry Street and Dougall Avenue, and another petition by a majority of the owners of real property fronting or abutting upon that portion of Sandwich Street lying between Dougall Avenue and Church Street in the said City, in both said cases representing more than one-half in value of said real property, praying for the paving of said portions of Sandwich Street with asphalt paving blocks rather than with macadam, and for the assessing and levying the cost of such asphalt block pavement in excess of the cost of paving the same with macadam, upon the real property fronting or abutting upon said portions of Sandwich Street, by an equal annual sum per foot frontage or flankage of such real property during a period of ten years ;

And whereas the said portion of Ouellette Street and the said portions of Sandwich Street are embraced in schedule B of said By-law 982 and in that portion of the pavement to be under the authority of said By-law paved in the year 1901 ;

And whereas the said Council on the respective dates above recited in respect to said petitions, decided to grant the prayer thereof upon the terms therein respectively set out ;

And whereas the Clerk of the Municipality, in compliance with instructions received from said Council, published a notice of the intention of the Council to pass a By-law or By-laws to construct on said portion

of Ouellette Street and on said portions of Sandwich Street, an asphalt pavement, in conformity with the prayer of said petitions, the notice respecting the work on Ouellette Street and on that part of Sandwich Street lying between Goyeau Street and Ferry Street being published in the Evening Record and the Essex County World, two newspapers published in said City, on the 19th and 26th days of April, 1901, and the notice respecting the work on that part of Sandwich Street lying between Ferry Street and Church Street in said newspapers respectively on the 26th day of April and the 3rd day of May, 1901, a copy of each of said notices being marked respectively A, B and C, and attached hereto;

And whereas no petition against the construction of said asphalt block pavement in lieu of macadam on said portions of said streets nor against an assessment therefor has been presented to said Council nor been received from the owners of the real property to be immediately benefited thereby or any of them;

And whereas said Council on the 7th day of October, 1901, passed a by-law authorizing the construction of said asphalt block pavement upon said portion of Ouellette Street and upon said portions of Sandwich Street in accordance with the prayer of said petitions;

And whereas the Sandwich, Windsor and Amherstburg Railway tracks traverse said Ouellette Street and said Sandwich Street;

And whereas said railway is, under and by virtue of a certain agreement made with said city, obliged to pave its tracks with such material as the streets traversed thereby may from time to time be paved, and in a petition dated the 14th of September, 1901, and presented to said Council on the 23rd day of said month, prayed said Council to pave with asphalt blocks so much of its tracks on said Sandwich Street and Ouellette Street as would be embraced within the limits of the asphalt block pavement about to be constructed on said streets, and collect the cost of paving of said portion of said tracks from said Company in the same manner and at the same times as the cost of the other parts of the pavement on said parts of said streets would be collected from the owners of the real property benefited thereby;

And whereas said Council decided to comply with the prayer of said petition of said railway, and a by-law passed on the 25th September, 1901, authorized the head of the Municipality and the clerk thereof to execute an agreement by and between said Company and said city to that end, which said agreement was accordingly executed on the said last mentioned day by said parties respectively;

And whereas said pavement on said portion of Ouellette Street, and said portions of Sandwich Street, as well as on the tracks of said railway within said limits has been made, constructed and completed, at a cost of \$28,363.37 over and above the ascertained cost of paving the same with macadam, that is to say:

Ouellette Street, total cost.....	\$11,484 69
Less ascertained cost of macadam	2,005 60
Sandwich Street—	\$ 9,479 09
Goyeau Street to Ferry Street, total cost.....	13,730 83
Less cost of macadam	2,410 40
Ferry Street to Church Street, total cost	11,320 43
Less cost of macadam	9,350 85
	7,563 85
	\$28,363 37

And whereas A. J. Halford, a commissioner appointed by said Council for that purpose, ascertained and determined what real property will be immediately benefited by the construction of said pavements upon said streets, and ascertained and determined the proportions in which an assessment and levy shall in respect to each of said streets be made upon the real property so benefited; ascertained and determined the proportion in which an assessment and levy shall be made upon the Sandwich, Windsor and Amherstburg Railway on account of paving the tracks of said

said railway on the aforesaid part of Ouellette Street, and parts of Sandwich Street, in compliance with said petition and agreement; and also ascertained and determined the proportion of the cost of said pavement to be paid by the municipality out of the general funds thereof in respect to each of said streets on account of the street crossings traversed thereby, to cover the cost of said work, and set forth the same in detail in an assessment roll prepared for that purpose in the case of the said pavement on Ouellette Street, marked "D," and in the case of the said pavement on said portions of Sandwich street, marked "E" respectively, hereto attached:-

And whereas, on the 27th day of October, 1902, the said Council appointed a Court of Revision to hear and decide any appeal or appeals that might be made to said Court against the assessment made for the cost of the aforesaid work or against the accuracy of the frontage measurements or any other complaints which persons interested might desire to make and which might be cognizable by said Court, such Court to be held on the 25th day of November of said year;

And whereas notice of the time and place of the holding of said Court was duly published in a newspaper, and also, with a notice of assessment as aforesaid given by said Commissioner to each person and Railway assessed for said work;

And whereas said Court met at time and place appointed, and heard and decided the several appeals made thereto;

And whereas the only appeal made from the decision of the said Court to the Judge of the County Court of the County of Essex, was heard and decided by the said Judge on the 7th day of January, 1903;

And whereas it is necessary that the cost of the portion of said work traversed by street crossings, aggregating \$3,593.48, being for the Ouellette Street portion thereof \$1,541.02, for the Sandwich Street portions from Goyeau Street to Ferry Street \$988.03, and from Ferry Street to Church Street \$1,064.43, shall be provided by said Council by an assessment upon the whole rateable property of the Municipality of a rate on the dollar sufficient for that purpose as shown by said assessment rolls; and the proportion of the cost of said work assessed against said Sandwich, Windsor and Amherstburg Railway is, for its Ouellette Street tracks \$3,156.61, and for its Sandwich Street tracks, from Goyeau Street to Ferry Street, \$3,580.58, and from Ferry Street to Church Street \$1,825.70, aggregating \$8,562.89; and the proportion of the cost of said work assessed against the several lots, parts of lots and other portions of real property fronting or abutting upon the said pavement, amounts in the aggregate to \$16,207.00, being for Ouellette Street portion the sum of \$4,781.46, and for the Sandwich Street portions, from Goyeau Street to Ferry Street, the sum of \$6,751.82, and from Ferry Street to Church Street the sum of \$4,673.72;

And whereas it is expedient to make the principal of said debt of \$28,363.37 incurred as aforesaid repayable by annual instalments during a period of ten years, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period;

And whereas it is necessary to authorize an assessment and levy to be made for a period of ten years upon the whole rateable property of the Municipality of a sufficient annual special rate over and above and in addition to all other rates to produce a sum equal to the amount charged as aforesaid against said City in said assessment rolls, namely, the sum of \$3,593.48, being for principal and interest each year of said period as follows:-

Year.	Interest.	Principal.	Total.
First .. .	\$143 74	\$299 30	\$443 04
Second .. .	131 77	311 27	443 04
Third .. .	119 32	323 72	443 04
Fourth .. .	106 36	336 68	443 04

Year.	Interest.	Principal.	Total.
Fifth	92 89	350 15	443 04
Sixth	78 89	364 15	443 04
Seventh	64 32	378 72	443 04
Eighth	49 17	393 87	443 04
Ninth	33 42	409 62	443 04
Tenth	17 04	426 00	443 04

And also to authorize an assessment and levy to be made for the said period of an annual special rate upon the Sandwich, Windsor and Amherstburg Railway of the sum of \$1,055.69 annually and upon the several lots, parts of lots and other portions of real property aforesaid as set forth and particularly shown in the said assessment rolls, aggregating upon the whole of said lots, parts of lots and other portions of real property the sum of \$1,995.63 annually;

And whereas the value of said lots, parts of lots and other portions of real property according to the last revised assessment roll of the Municipality is \$788,450.00, as near as may be, and the value of the whole rateable property of the Municipality according to said assessment roll is \$5,373,725;

And whereas it is expedient that the said debt of \$28,363.37, created on the security of the special rates settled by this By-law be further guaranteed by the Municipality at large:

And whereas the existing debenture debt of the Municipality is \$390,597.00, exclusive of local improvement debts secured by special rates and assessments, and no sum is due or in arrear for either principal or interest of said debt;

And whereas such Council deemed it expedient, in order to avoid the necessity of making supplementary assessments or of refunding in case of over-assessment, and to ascertain the exact cost of said pavement, to make an agreement with a chartered bank for a temporary advance or loan to meet the cost thereof as the work thereon progressed, and did borrow from the Canadian Bank of Commerce the sum of \$28,363.37, being the cost of said pavement, and it is now necessary to authorize the issuing of debentures for the purpose of raising by way of loan the said sum of \$28,363.37 to repay to said bank the said temporary advance, such debentures to bear interest at the rate of four per centum per annum and be respectively for the amount and be payable at the time following, that is to say:—

	Principal.	Interest	Total.
Payable in 1904	\$2,362 40	\$1,134 54	\$3,496 94
" 1905	2,456 90	1,040 34	3,496 94
" 1906	2,555 18	941 76	3,496 94
" 1907	2,657 39	839 55	3,496 94
" 1908	2,763 69	733 25	3,496 94
" 1909	2,874 24	622 70	3,496 94
" 1910	2,989 21	507 73	3,496 94
" 1911	3,108 75	388 16	3,496 94
" 1912	3,233 15	263 81	3,496 94
" 1913	3,362 45	134 49	3,496 94
		\$28,363 37	

Therefore the Corporation of the City of Windsor by the Council thereof enacts as follows:—

I. That the Mayor and Treasurer of the City of Windsor shall be, and they are hereby authorized and empowered to borrow from any person, company, society or bank willing to loan the same upon the credit of the debentures hereinafter mentioned a sum of money not exceeding the sum of \$28,363.37 to repay the temporary advance or loan obtained from the Canadian Bank of Commerce for the purpose of meeting the cost of the asphalt block pavement constructed on Ouellette Street, from Sandwich Street to London Street, and on Sandwich Street, from Goyeau Street to Ferry Street, and from Ferry Street to Church Street, being the

the amount of the cost of said pavement, and to issue debentures to that amount under the Seal of the said Corporation, which said debentures shall bear interest at the rate of four per centum per annum, and be signed by the Mayor and Treasurer, and shall severally be for the amount, and be payable at the time hereinafter mentioned, that is to say :—

One debenture for the sum of \$2,362.40 payable in the year 1904				
" "	2,456.90	"	1905	
" "	2,555.18	"	1906	
" "	2,657.39	"	1907	
" "	2,763.69	"	1908	
" "	2,874.24	"	1909	
" "	2,989.21	"	1910	
" "	3,108.78	"	1911	
" "	3,233.13	"	1912	
" "	3,362.45	"	1913	
	<hr/>	\$28,363.37		

II. That the said debentures shall have coupons attached thereto for the payment half-yearly of the interest thereon at the rate of four per centum per annum, which said coupons shall be signed by said Treasurer.

III. That said debentures shall be payable at the office in Windsor, of said Treasurer, on the first day of February in each and every year during the currency thereof, and said coupons shall be payable at said office half-yearly, namely, on the first day of August and on the first day of February respectively in each year during the currency of said debentures.

IV. That notwithstanding the provisions of section two and three hereof, the debentures provided for in section one, may, if the purchaser of said debentures for his own convenience so desire it, respectively be made for the amount of the principal sum due in each year as fixed in said section one, and also for the interest due on said sum and also the interest on the several principal sums remaining unpaid at the date of the maturity of such debentures, such interest in such case being payable annually instead of semi-annually, and no coupons in such case being necessary.

V. That for the purpose of redeeming said debentures and paying the interest thereon as the same respectively become due, an annual special rate over and above all other rates sufficient to produce the sum of \$443.04 shall be raised, levied and collected in each and every year during the currency of said debentures upon all the rateable property of the Municipality of Windsor, being the annual amount chargeable against the general funds of said Municipality on account of the cost of the portion of said pavement traversed by street crossings, and also for and during said period an annual special rate over and above all other rates upon the Sandwich, Windsor and Amherstburg Railway, and upon the respective lots, parts of lots, and other portions of real property fronting or abutting upon the line of said pavement on said part of Ouellette Street and on said parts of Sandwich Street respectively equal in the case of said railway to the sum in respect to each of said streets charged against said railway in the assessment rolls marked "D" and "E" hereto attached, and, in case of said lots, parts of lots and other portions of real property, equal to the sum per foot frontage thereof in each case set forth and shown in and upon said assessment rolls—which said assessment rolls are hereby declared to be and made part of this by-law as much as if the same had been and were actually embodied herein, and the said several rates shall be levied and collected at the same time and in the same manner as the other rates of the Municipality are levied and collected.

VI. That the debt of \$28,363.37 created on the security of the special rates settled by this by-law is further guaranteed by the Municipality at large.

VII. That any person, company, society or corporation assessed for the construction of said pavement in said assessment rolls or either of them may commute for the payment of the annual assessment upon his, her or their property, or upon any separate lot or lots or other portion of real property set out therein, by paying a principal sum per foot frontage thereof, and in the case of said railway the full sum, in said assessment rolls set opposite such property for commutation, such payment of commutation to be made not later than March 16, 1903.

VIII. That the proceeds of said debentures shall be applied to the repayment of the temporary advance or loan obtained as aforesaid, and to no other purpose whatever.

IX. That this by-law shall come into force and take effect on and from the 23rd day of February, 1903.

(Signed) J. W. DRAKE,
Mayor. (Seal)

STEPHEN LUSTED,
Clerk.

CHAPTER 75.

An Act to incorporate The Brantford and Erie Railway Company.

Assented to 26th April, 1904.

WHEREAS Edward Lyman Goold, manufacturer, and ^{Preamble.} Ralph H. Reville, publisher, both of the City of Brantford in the County of Brant, Henry Franklin Teeter, of the Village of Waterford in the County of Norfolk, hotelkeeper, Edwin C. Carpenter, of the town of Simcoe in the said County of Norfolk, farmer, and Robert Alexander Dickson, of the Village of Delhi, in the said County of Norfolk, barrister-at-law, have by their petition prayed for an Act of incorporation under the name of "The Brantford and Erie Railway Company," for the purpose of constructing, equipping, maintaining and operating a railway commencing at or near the City of Brantford in the County of Brant, thence southerly through the Townships of Brantford and Oakland in the County of Brant and the Townships of Townsend and Woodhouse, the Village of Waterford and the Town of Simcoe in the County of Norfolk, to and through the Village of Port Dover in the said County of Norfolk, with a loop line extending south westerly from the said Village of Waterford through the Townships of Windham, Middleton and Charlottetown and the Villages of Delhi and Lynedoch in the said County of Norfolk and easterly from the said Village of Lynedoch through the said Township of Charlottetown to a junction with the main line at or near the said Town of Simcoe, and upon and over such public highways as may be authorized by the said municipalities or by the companies or individuals having jurisdiction over or owning the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The said Edward Lyman Goold, Ralph H. Reville, ^{Incorporation} Henry Franklin Teeter, Edwin C. Carpenter and Robert Alexander Dickson, and such other persons, firms and corporations as shall hereafter become shareholders of the said company,

pany, are hereby constituted a body corporate and politic, under the name of "The Brantford and Erie Railway Company," hereinter called "the company."

Location of line.

2. The company, their servants and agents are hereby authorized and empowered to survey, lay out, construct, equip, maintain and operate by electricity or any other motive power approved of by the Railway Committee of the Executive Council for Ontario other than steam, and from time to time to alter, remove and change a double or single track iron or steel railway, with all necessary side-tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same commencing at a point at or near the City of Brantford in the County of Brant, thence southerly through the Townships of Brantford and Oakland in the County of Brant, and the Townships of Townsend and Woodhouse, the Village of Waterford and the Town of Simcoe in the County of Norfolk, to and through the Village of Port Dover in the said County of Norfolk, with a loop line extending southwesterly from the said Village of Waterford through the Townships of Windham, Middleton and Charlottetown, and the Villages of Delhi and Lynedoch in the said County of Norfolk and easterly from the said Village of Lynedoch through the said Township of Charlottetown to a junction with the main line at or near the said Town of Simcoe; with power to build and operate any part of the said railway in sections as hereinafter set out. The said railway or any part thereof may be carried along and upon such streets and highways and bridges as may be authorized by by-laws of the respective corporations owning or having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said municipal corporations, or any of the said other corporations respectively, subject to the provisions and conditions contained in this Act, *The Electric Railway Act*, and *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same.

**Rev. Stat.
c. 209
3 Edw. vii.,
c. 19.**

Plans and surveys.

3. The company is hereby authorized and empowered to make the surveys and to take the levels of the lands through which the said railway is to pass, and make the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of *The Electric Railway Act*, and amendments thereto, with respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any

**Rev. Stat.
c. 209.**

any and each of such sections or portions of the said railway, all and every of the clauses of *The Electric Railway Act*, and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined, certified and deposited, according to the said clauses of *The Electric Railway Act*, and the amendments thereto with respect to "plans and surveys."

Rev. Stat.,
c. 209.

Rev. Stat.,
c. 209.

4. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and no such by-law shall be repealed unless in conformity with a condition contained therein.

Council's may
exempt from
taxation.

5. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law, extend the time for the commencement or completion of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Aid by way of
bonus.

6. The gauge of the said railway shall be four feet eight Gauge. and one-half inches.

7. (1) The said Edward Lyman Goold, Ralph H. Reville, Henry F. Teeter, Edwin C. Carpenter, and Robert Alexander Dickson shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Provisional
Directors.

(2) The said provisional directors shall have power to add to their number or to substitute for any member of the said board of provisional directors (whether named in this Act, or by the said provisional directors) who may desire to resign Adding to
number of.
or

or withdraw from his position as a provisional director of the company, any other person as a provisional director thereof; and all such persons as shall from time to time be provisional directors of the company, pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

First meeting of.

(3) The first meeting of the board of provisional directors may be called upon notice signed by or on behalf of three provisional directors, such notice to be mailed to the said provisional directors at their respective places of address, as set forth in this Act, and the said board of provisional directors may, from time to time, pass resolutions or by-laws providing for the time, place or manner of calling future meetings of the said board of provisional directors.

Meetings of provisional directors.

8. All meetings of the provisional board of directors of the company shall be held at the City of Brantford, in the County of Brant, or at such other place as may best suit the interests of the company.

Capital stock.

9. The capital stock of the company hereby incorporated shall be one hundred thousand dollars, to be divided into 1,000 shares of one hundred dollars each.

Head office

10. The head office of the company shall be at the City of Brantford, in the County of Brant.

Number of directors.

11. The number of directors shall not be less than five nor more than nine.

Annual meeting.

12. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the company.

Further increase of capital stock authorized on vote of two-thirds of shareholders.

13. The capital stock of the company may be increased from time to time to any amount but such increase must be sanctioned by a vote in person or by proxy of at least two-thirds in amount of all the shareholders at a meeting of them expressly called by the directors for that purpose by a notice in writing to each shareholder, served on him personally or properly directed to him, and deposited in the post office nearest to his place of residence at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase; and the proceedings of such meeting must be entered on the minutes of the proceedings; and thereupon the capital stock may be increased to the amount sanctioned by such a vote.

Preference stock.

14.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present, in person or by proxy, at a general meeting of the company duly called for considering the same or unanimously sanctioned in writing by the shareholders of the company ; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof ; and from the date of such approval the by-law shall be valid and may be acted upon.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act ; provided, however, that in respect of dividends and otherwise, they shall as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

(5) Nothing in this section contained or done in pursuance thereof, shall affect or impair the rights of creditors of the company.

15. The directors of the company, under the authority of Bonds. the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon are present in person or represented by proxy, may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile for each and every mile of the said railway and extensions and branches ; such bonds, debentures or other securities shall be signed by the president or other presiding officer, and countersigned by the secretary, which counter signature, and the signature of the coupons attached to the same, may be engraved ; and such bonds debentures or other securities may be made payable at such times, and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper.

16.—(a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the Raising
money on
bonds

the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(b) No such bonds, debentures or other securities shall be for a less sum than one hundred dollars.

(c) Such bonds shall be from time to time issued only in proportion to the length of railway constructed or under contract to be constructed.

Securing
payment of
bonds, etc

17. The company may secure such bonds, debentures or other securities by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed : but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act, in respect of the said bonds, debentures and other securities, and all other powers, rights and remedies not inconsistent with this Act ; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding, and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in *The Ontario Gazette*.

(c) It shall not be necessary in the exercise of the powers as to mortgaging, and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or to be created by any bond, debenture or other security issued or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever, except at the office of the Provincial Secretary as aforesaid ; nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels ; but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority, according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced to all intents and purposes as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act*, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

18 Until they have been surrendered and lawfully cancelled, the bonds, debentures or other securities hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the privileges acquired under this Act, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the last preceding section.

(a) Each holder of the said bonds, debentures or other securities shall, until they have been surrendered and lawfully cancelled, be deemed to be a mortgagee or incumbrancer upon the said securities, pro rata with all the other holders; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

19. If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities, so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(a) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and any transfers thereof thereafter, in the same manner as shares or transfers of shares.

(b) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of any such mortgage deed.

20. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares.

Release of
surplus lands
or property.

21. Any lands or chattel property which may have become no longer useful or necessary for the purposes of the company may be released by the trustees of any mortgage securing the bonds of the company, if a provision for such release is contained in the mortgage ; and thereafter such released lands or chattel property shall be held freed and discharged from any lien created by the said mortgage or by any Act relating to the company in favour of the said bondholders.

Power to
deviate.

22. The company may, at any point or points where its railway may run along the highway, deviate from such highway to a right of way owned by the company provided that no obstruction of such highway shall be made by such deviation ; but if the rails on such deviation do not rise above or sink below the surface of the road more than one inch they shall not be deemed an obstruction ; provided that the right by this section conferred shall not be exercised by the company without the consent of the council of the municipal corporation having jurisdiction over the highway, or the authority of the Railway Committee of the Executive Council of Ontario ; and the said Railway Committee may, upon such terms as to the said Railway Committee seem just, on application of the company, order that the said company may make such deviation.

Agreements
with other
companies.

23. The company may, at any points on or near to its line of railway, connect its tracks with the tracks of any other railway company or companies, the lines of which are approached or crossed by the line or lines of the company ; and it shall be lawful for the company to enter into any agreement with any or either of such railway companies, if lawfully authorized to enter into such an agreement, to amalgamate with, purchase, lease, or otherwise acquire such railways, or any of them, or any part or parts thereof ; or to sell and dispose of or lease to any of such companies the whole or any part of its railway ; or to make arrangements with such companies, or any of them, for the interchange of passenger or freight traffic, or for the use by either company of the property, buildings, plant, material, rolling stock, machinery, appliances or facilities of the other, or for the supply of motive power, heat or light by either company to the other, or any other joint arrangement respecting the running arrangements of such companies, or any of them, and the conduct of the joint traffic of the companies which may be parties to any such agreement ; Provided that nothing done under this section shall be valid until the same shall be first authorized by two-thirds in value of the shareholders of the company at a special general meeting to be held for that purpose nor until the consent of the council or councils of the municipal corporation or corporations affected thereby has first been obtained, or, if such consent has been refused, until the approval of the Railway Committee of the Executive Council

Proviso.

Council of Ontario has first been obtained ; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

24. The company shall have power and authority to sell or lease in any municipality where such sale or lease is authorized by by-law of the council of the municipality, and subject to the terms and conditions therein contained, any electricity not required for the purposes of the company to any person or corporation ; and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and to hold any property necessary for the purposes mentioned in this section.

Disposal of
surplus elec-
tricity.

Rev. Stat.
c. 200.

25. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation or hiring of the said railway, or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Power to
make connec-
tions to be
subject to sub-
sequent legis-
lation.

26. The several sections of *The Electric Railway Act*, except sections 38, 50, 51, 119, and subsections 9, 10, 11 and 12 of section 43, and every Act in amendment thereof, shall be incorporated with and be deemed to be a part of this Act, and shall apply to the company and to the railway to be constructed by them, except in so far as they may be inconsistent with the express enactments hereof ; and the expression "this Act," when used herein shall be understood to include the sections of the said *Electric Railway Act* other than the sections hereinbefore excepted, and every Act and amendment thereof so incorporated with this Act.

Application of
Rev. Stat.,
c. 209.

27. Notwithstanding anything contained in *The Electric Railway Act* to the contrary, the company may exercise all powers of expropriation provided by the said Act without the consent of the council of the municipality in which the lands sought to be expropriated are situate, and without the certificate of the county judge, upon obtaining an order from the Railway Committee of the Executive Council of Ontario ; and the said Railway Committee may, on the application of the company, order that the company shall have such powers of expropriation.

Expropriation
Rev. Stat.,
c. 209.

Directors
empowered to
pay in stock.

Proviso.

Carriage of
goods.

Carriage
rates.

Power to
collect back
charges on
goods.

Representa-
tion of
corporations.

28. The directors may enter into a contract or contracts with any individual, corporation or association of individuals, for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way; and may pay therefor either in whole or in part, either in cash or bonds or in paid-up stock; and may pay or agree to pay in paid-up stock or in bonds of the said company such sums as they may deem expedient to engineers, or for the right of way or material, plant or rolling stock, and also for the services of promoters and other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; provided, that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person, or by proxy, representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding, at a general meeting of the shareholders specially called for that purpose, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

29. The company may take, transport, carry, and convey goods upon its railway to be constructed under the authority of this Act, but no freight or express cars shall be carried along any public highway over the railway to be constructed as aforesaid unless and until the size and number of cars and motors to be used therewith, and the hours of running the same, have been approved by the Railway Committee of the Executive Council of Ontario, nor shall any freight service be operated until authorized and except as directed by the said Railway Committee.

30. The company may make uniform special rates for the carriage of fruits, milk and other perishable freight.

31. The company shall have power to collect and receive all charges subject to which goods or commodities may come into its possession, and upon payment of such back charges and without any formal transfer, may have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment to all the rights and remedies of such persons for such charges.

32. Any corporation which may hold shares in the company may by by-law appoint any person or persons to represent such corporation at any meeting of the company, and every such person shall be eligible for election as a director.

33. No person shall be elected a director unless he or a Qualification corporation represented by him is the holder of ten shares of Directors' stock in the company, upon which all calls have been paid.

34. Notwithstanding any provisions to the contrary in any other Act, the company's railway may cross the railway of lines. Crossing other any other company upon a level therewith, with the consent of such other company, or with the authority of the Board of Railway Commissioners for Canada or of the Railway Committee of the Executive Council of Ontario, but nothing in this section shall be construed as purporting or intending to confer rights or powers on the said company or the Railway Committee of the Executive Council of Ontario not within the legislative authority of the Province of Ontario.

35. Notwithstanding anything contained in this Act, or in any statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges or franchises, as to the transmission of electrical energy for power, light and heat, over or across any public highway or street in the said municipality. Limitation of transmission of electrical energy.

36. Notwithstanding anything in this Act contained the railway shall not be constructed within the limits of any city cities. Operating in except upon and subject to such terms and conditions as may mutually be agreed upon between the company and any street railway or electric railway already operating in such city; provided always, that if the council of such city shall Proviso. by by-law or resolution request the street railway company or electrical railway companies to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city, to be named by the city council, upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Lieutenant-Governor in Council in case the city corporation and the said two companies are unable to agree upon the same.

37. The railway shall be commenced within two years and finally completed within five years of the passing of this Act. Commencement and completion of line.

CHAPTER 76.

An Act respecting The Hamilton, Grimsby and Beamsville Electric Railway Company.

*Assented to 26th April, 1904.***Preamble.**

WHEREAS The Hamilton, Grimsby and Beamsville Electric Railway Company has by its petition represented that under By-laws Nos. 681 and 850 of the City of Hamilton, debentures of the Corporation of the City of Hamilton, to the amount of \$25,000 were delivered to the said company as a bonus in aid of its railway, upon and subject to the terms of the agreement between the said company and the City corporation dated the 28th day of December, 1896, set out in Schedule B to the Act passed in the 60th year of the reign of Her late Majesty, Queen Victoria, chaptered 87, by which, amongst other things, it is provided that the amount of the said bonus shall be repaid to the said City corporation with interest in the event of the company, its successors or assigns failing or ceasing to operate the said railway in the manner set forth in the said agreement, and that the amount thereof shall form a first lien or charge upon the said railway, and upon all the franchises and property of the company, subject only to the prior lien or claim of the holders of the first mortgage bonds of the company for \$100,000 ; and that under By-law No. 287 of the City corporation it is provided that when the railway of the company shall have been fully completed and equipped to Vineland, and is being operated as a through road from Beamsville and Vineland to Hamilton the bond issue of the company which shall hold priority over the lien of the City corporation for the sum of \$25,000 and interest in the event of the said company failing or ceasing to operate such railway in the manner and to the extent provided for by by-laws of the corporation numbered 681 and 850, and the agreement dated 28th December, 1896, may be increased to the sum of \$150,000, and that when the railway of the company shall have been fully completed and equipped to St. Catharines and is being operated as a through road from St. Catharines to Hamilton, the bond issue of the company which shall hold priority over the lien of the corporation for the sum of \$25,000 and interest, in the event of the said company failing or ceasing to operate said railway in the manner and to the extent provided for by by-laws of the City

City corporation numbered 681 and 850, and the agreement dated 28th December, 1896, may be increased to an amount which shall not exceed \$10,000 per mile of the company's railway actually constructed, equipped and in full daily operation; and the said company has prayed that an Act may be passed to confirm By-law No. 287 of the City of Hamilton hereinbefore mentioned, and the agreement made between the said company and the said City corporation in accordance therewith, and the lien granted or created upon the said railway under the terms of the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The By-law of the Corporation of the City of Hamilton passed on the 29th day of June, 1903, in-^{By-law No. 287 of the City of Hamilton confirmed.} tituted By-law No. 287 relating to The Hamilton, Grimsby and Beamsville Electric Railway Company, and which by-law is set out in Schedule A to this Act, is confirmed and declared to be legal and valid.

2. The agreement made between the Hamilton, Grimsby and Beamsville Electric Railway Company and the Corporation of the City of Hamilton dated the 15th day of October, 1903, and set out in Schedule B to this Act, is declared to be valid and to be binding upon the parties thereto, their successors and assigns, and the lien or charge thereby granted or created, or intended so to be, upon the said railway and upon all the franchises and property of the said company is declared to be valid and to be binding upon the said company, its successors and assigns, subject only to the prior lien or claim of the holders of mortgage bonds of the company as provided for in the said agreement.

SCHEDULE A.

(Section 1.)

By-law No. 287.

Relating to the Hamilton, Grimsby and Beamsville Electric Railway Company.

Whereas under and by virtue of By-laws numbers 681 and 850 of this corporation and an agreement made the 28th day of December, 1896, between the Hamilton, Grimsby and Beamsville Electric Railway Company, and this corporation, and confirmed by an Act of the Legislature of the Province of Ontario, this corporation has a first lien and charge upon the Hamilton, Grimsby and Beamsville Electric Railway Company and all the franchises and property of the said company, subject only to the prior lien or claim of the holders of the first mortgage bonds of the company

company for \$100,000 as a security for the repayment to this corporation of the sum of \$25,000 and interest in the event of the said company failing or ceasing to operate said railway in the manner and to the extent provided for by said by-laws and agreement;

And whereas the said railway has been extended to Vineland and there has been now constructed 27 miles in all of said railway, the whole of which is now being operated by the company, and the company propose to make a further extension of their railway to the City of St. Catharines, being a further distance of $7\frac{1}{2}$ miles.

And whereas the company have requested this corporation to permit the issue of \$150,000 of bonds as a first lien or claim upon the said railway and all the franchises and property of the said company to have priority over the said lien of this corporation for the sum of \$25,000 and in excess in order to provide for the payment of the costs of construction and equipment of the said extension of their railway to Vineland.

And whereas the company have also requested that in the event of their constructing and operating the extension of their railway to the City of St. Catharines, the company shall be permitted to issue bonds to the extent of \$10,000 a mile for the whole length of their railway for the purpose of redeeming their outstanding bonds and to provide for the construction, completion and equipment of the whole of their said line of railway, including the extensions to Vineland and St. Catharines.

The effect, the Corporation of the City of Hamilton enacts as follows:—

1. When the railway of said company shall have been fully completed and equipped to Vineland, and is being operated as a through road from Beamsville and Vineland to Hamilton, the bond issue of the company, which shall hold priority over the said lien of this corporation for \$25,000 and in excess may be increased to the sum of \$150,000.

2. When the said railway shall have been constructed and equipped to the City of St. Catharines, and is being operated as a through road from St. Catharines to Hamilton, the bond issue of the company, which shall hold priority over the said lien of this corporation for \$25,000 and interest, may be increased to an amount which shall not exceed \$10,000 per mile of the company's railway actually constructed, equipped and in full daily operation.

3. This by law shall not take effect until the company has entered into an agreement with this corporation to petition the Legislature of the Province of Ontario to confirm this by-law, and to provide that this corporation shall have a lien upon said railway and all the franchises and property of the said company, subject only to the prior lien of the holders of the said bonds, as security for the repayment to this corporation of the said sum of \$25,000 and interest, if the said company, their successors or assigns shall at any time fail or cease to operate said railway as a through road from St. Catharines, Vineland and Beamsville in the City of Hamilton with such daily frequent car service as is mentioned in said By-laws Nos. 681 and 850.

Passed this 29th day of June, 1903.

T. BEASLEY,
City Clerk.

W. J. MORDEN,
Mayor.

SCHEDULE B.

(Section 2.)

This Agreement made the fifteenth day of October in the year of Our Lord, one thousand nine hundred and three, between the Hamilton, Grimsby and Beamsville Electric Railway Company, hereinafter called the company, of the first part, and the Corporation of the City of Hamilton hereinafter called the Corporation, of the second part.

Whereas by by-law 287 of the said corporation it is provided that when the railway of the company shall have been fully completed and equipped to Vineland and is being operated as a through road from Beamsville and Vineland to Hamilton, the bond issue of the company which shall hold priority

priori.y over the lien of the corporation for the sum of \$25,000 and interest in the event of the said company failing or ceasing to operate said railway in the manner and to the extent provided for by by-laws of the corporation numbered 681 and 850, and the agreement dated 28th December, 1896, may be increased to the sum of \$150,000.00.

And whereas it was also by said by-law amongst other things provided that when the railway of the company shall have been fully completed and equipped to St. Catharines, and is being operated as a through road from St. Catharines to Hamilton, the bond issue of the company, which and interest, in the event of the said company failing or ceasing to operate shall hold priority over the lien of the corporation for the sum of \$25,000 said railway in the manner and to the extent provided for by by-laws of the corporation numbered 681 and 850, and the agreement dated 28th December, 1896, may be increased to an amount which shall not exceed \$10,000 per mile of the company's railway actually constructed, equipped and in full daily operation.

And whereas it was also by said By-law amongst other things provided that said By-law 287 should not take effect until the company should have entered into an Agreement with the said corporation to petition the Legislature of the Province of Ontario to confirm the said by-law and to provide that the said corporation should have a lien upon said railway and all the franchises and property of the said company, subject only to the prior lien of the holders of the said bonds as a security for the repayment to this corporation of the said sum of \$25,000 and interest if the said company, its successors or assigns should at any time fail or cease to operate said railway as a through road from St. Catharines, Vineland and Beamsville to the City of Hamilton, with such daily frequent car service as is mentioned in said By-laws numbers 681 and 850.

Now this indenture witnesseth that the said Company doth hereby covenant and agree with the said city corporation that the said company will petition the Legislature of the Province of Ontario to confirm the said By-Law number 287 of the corporation of the City of Hamilton and to provide that the said corporation shall have a lien upon the Hamilton, Grimsby and Beamsville Electric Railway, and all the franchises and property of the said company, subject only to the prior lien of the **holders of the said bonds as a security for the repayment to the corporation of the City of Hamilton in the event hereinbefore mentioned of the said sum of twenty-five thousand dollars and interest, and that the said company will pay all expenses of or connected with such legislation and the application thereof.**

In witness whereof the said company has hereunto affixed its seal under the hand of its President and Secretary and the said Corporation has hereunto affixed the City Seal, under the hand of the Mayor and

Signed, Sealed and Delivered
in the presence of

A. ORR.

T. BEASLEY.
City Clerk.

HAMILTON, GRIMSBY & BEAMS-
VILLE ELECTRIC RY. CO.
CHAS. J. MYLES, President.
(Seal)

HAMILTON, GRIMSBY & BEAMS-
VILLE ELECTRIC RY. CO.
GEO. E. WALLER, Secretary.

Seal. W. J. MORDEN,
Mayor.

CHAPTER 77.

An Act respecting the Hamilton Radial Electric Railway Company.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Hamilton Radial Electric Railway Company (hereinafter called "the company") has by petition prayed that an Act may be passed extending the time limited for the building and completion of the company's lines, branches and extensions, and authorizing an increase in the bonding powers of the company, and relating to the crossing by the said company of railways, and relating to the capital stock of the company and the powers of the directors of the company with regard thereto, and amending the Act of Incorporation of the company, and in other respects to extend the company's powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for completion of railway extended to 1st Jan., 1909.

1. The time for the building and completion of the company's lines of railway and branches or extensions heretofore authorized, is hereby extended to the first day of January, 1909.

57 V., c. 88,
sec. 26, as
altered by 58
V., c. 101.
amended.

2. Section 26 of the Act incorporating the company being chapter 88 of the Acts passed in the 57th year of the reign of Her late Majesty Queen Victoria, as amended by section 2 of chapter 101 of the Acts passed, in the 58th year of the reign of Her late Majesty Queen Victoria, intituled *An Act respecting the Hamilton Radial Electric Railway Company* is amended by striking out the words "other than the lines from the City of Hamilton to the City of Guelph, and from the City of Hamilton to the Town of Berlin, in respect of which the whole amount of the issue of such bonds shall not exceed in all the sum of \$30,000 for each mile thereof," and substituting "\$30,000" for "\$20,000" in the fifth line of the said section.

Bonding powers.

3. Section 19 of the company's said Act of Incorporation 57 Vic., c. 88.
is repealed. sec. 19
repealed.

4. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith, with the consent of such other company or with the authority of the Board of Railway Commissioners for Canada, or of the Railway Committee of the Executive Council of Ontario, as the case may be; but nothing in this section shall be construed as purporting or intending to confer rights or powers on the company, or the Railway Committee of the Executive Council of Ontario, not within the legislative authority of the Province of Ontario.

5. The company may at any points on or near to its line of railway connect its tracks with the tracks of the Toronto and Mimico Railway Company, the Toronto Suburban Railway Company, the Toronto and Hamilton Railway Company and any other railway company whose line may be intersected or crossed or connected with the company's line of railway; and it shall be lawful for the company to enter into any agreement with any or either of the said railway companies, if lawfully authorized to enter into such an agreement, to purchase, lease or otherwise acquire the said railways, or any of them, or any part or parts thereof; to sell and dispose of or lease to any of the said companies the whole or any part of its railway, or to make arrangements with the said companies, or any of them, for the interchange of passenger or freight traffic or for the use by either company of the property, buildings, plant, material, rolling stock, machinery, appliances or facilities of the other, or for the supply of motor power, heat or light by either company to the other, or any other joint arrangement for running powers or respecting the running arrangements of the said companies, or any of them, and the conduct of the joint traffic of the companies which may be parties to any such agreement; provided that nothing done under this section

shall be valid until the same shall be first authorized by two-thirds in value of the shareholders of the company at a special general meeting to be held for that purpose; subject to the provisions of any by-law or by-laws of any municipalities which may from time to time be in force so far as

the same may affect the company or the railway or any branch thereof to be constructed by them; provided that

electric power only shall be used in operating any portion of the said railway or any section or branch thereof unless

where authority has heretofore been given to operate any section or branch thereof by either steam or electric power;

and provided further that this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority

of Proviso.

any company which is not within the legislative authority

of Proviso.

any company which is not within the legislative authority

of Proviso.

any company which is not within the legislative authority

of Proviso.

any company which is not within the legislative authority

of Proviso.

Proviso.

of the Province of Ontario; provided that nothing contained in this section or in any agreement to be entered into under the authority thereby conferred shall impair or affect the rights now existing of any municipality through which any portion of the company's line has been or shall be constructed under any by-law or agreement of or with any such municipality, and provided further that nothing in this Act, or in any Act, relating to any company with which agreements may be entered into or to which any sale, lease or transfer may be made under the authority of this Act, shall empower such other company to lay out or construct any railway track upon or along any portion of Burlington Beach without the consent of the Municipal Corporation of the Township of Saltfleet, and nothing in this section contained shall alter, vary or restrict the rights of the Township of Etobicoke under or by virtue of the Act passed in the 3rd year of his Majesty's reign, chaptered 118.

**Agreements
with other
companies for
construction.**

6. Subject to the approval of two-thirds in value of the shareholders of the company at a special general meeting to be held for that purpose, the company may enter into agreements with any other railway company, having power and authority in that behalf, or with any construction company, for the construction and completion of any of its branches of railway and for leasing the same to any such other company or construction company with the same powers, privileges and franchises in all respects as if operated by the company as far as the same relate or may be applicable to the line or lines or portions thereof so leased as aforesaid.

CHAPTER 78.

An Act respecting The Irondale, Bancroft and Ottawa Railway Company.

Assented to 26th April, 1904.

WHEREAS The Irondale, Bancroft and Ottawa Railway Company has by its petition prayed that an Act may be passed authorizing it to lease or sell its undertakings, rights, franchises, lines, assets and property real and personal to The Grand Trunk Railway Company of Canada, The Toronto, Lindsay and Pembroke Railway Company, The Pembroke Southern Railway Company, The Canada Atlantic Railway Company, and The James Bay Railway Company, or either or any of them, and for other purposes ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Irondale, Bancroft and Ottawa Railway Company may transfer by agreement of lease or sale on such terms as may be agreed upon to the Grand Trunk Railway Company of Canada, The Toronto, Lindsay and Pembroke Railway Company, The Pembroke Southern Railway Company, The Canada Atlantic Railway Company, and the James Bay Railway Company, or either or any of them (if lawfully thereunto authorized), its undertakings, rights, franchises, lines, assets and properties real and personal ; provided that no agreement made under the authority of this Act shall be binding or shall be acted on unless and until it is approved of by two thirds in value of the shareholders of The Irondale, Bancroft and Ottawa Railway Company voting in person or represented by proxy at a special general meeting to be called for considering the said agreement ; and provided further that no such agreement shall be entered into without the sanction of the Railway Committee of the Executive Council of Ontario first had and obtained.

Transfer of
lease to cer-
tain other
companies.

Proviso.

Proviso.

Filing agreement with Provincial Secretary.

2. A duplicate of any such agreement of sale, duly executed by the companies parties thereto, shall within three months after its execution be filed in the office of the Provincial Secretary, and notice thereof shall be given by The Irondale, Bancroft and Ottawa Railway Company in the *Ontario Gazette*, and thereupon the said agreement shall be valid and binding according to its terms, and may be acted upon and carried out, and the production of the *Ontario Gazette* containing such notice shall be *prima facie* evidence of the requirements of this Act and any other Act relating to the sale having been complied with.

¹ Edw. VII.,
c. 81, s. 2,
amended.

3. Section 2 of Chapter 81 of the Acts passed in the first year of His Majesty's reign is amended by striking out the word "and" in the fifth line thereof and inserting after the word "company" in the 6th line thereof the words "and the James Bay Railway Company."

Rights of
creditors.

4. Nothing herein contained shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario, and no agreement entered into under the provisions of this Act shall prejudice or affect the rights of creditors or persons having claims against or contracts with the said Irondale, Bancroft and Ottawa Railway Company, nor prejudice or affect the rights and remedies (if any) of the daughters of the late Charles J. Pusey against the said Railway Company, its present shareholders and bondholders or any of them, or any purchaser or purchasers of the said Railway.

CHAPTER 79.

An Act respecting The Kingston Street Railway.

Assented to 26th April, 1904.

WHEREAS the Municipal Corporation of the City of ^{Preamble.} Kingston has by petition set forth that a certain agreement was made between the said Corporation and the Kingston Street Railway Company (now the Kingston, Portsmouth and Cataraqui Electric Railway Company) and confirmed by a certain Act passed in the 56th year of the reign of Her late Majesty Queen Victoria, chaptered 91; and whereas the said corporation has represented that the said agreement contained a provision to the effect that until otherwise agreed between the parties the cars should commence running at half-past six o'clock a.m. of each day and should continue running until 10.30 p.m. over the whole track, and so that not more than fifteen minutes should intervene between the passage of cars in either direction at any point on the line, except as to a certain section on Princess street on which the time should be thirty minutes; and whereas the said corporation has further represented that in certain litigation between the said company and the petitioners in the year 1897 it was practically decided that the petitioners had no legal remedy for any breach of the above recited provision as to the street railway service; and whereas the said corporation has further prayed that an Act may be passed providing penalties for the infraction of the said agreement and for securing the effectual enforcement of the provisions of the same; and whereas the said company has consented to the provisions hereinafter contained;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Paragraph 11 of Schedule A to the Act passed in the 56th year of the reign of Her late Majesty Queen Victoria, chaptered 91, is amended by adding after the words "City Engineer" in the seventh line of the said paragraph the words the following: "and in case such leave is refused or in the event of disagreement as to the position or length of switches, side-tracks and turnouts, the company shall be entitled to appeal from

56 V. c. 91
Schedule A
para. 11
amended.

Switches,
sidetracks
and turnouts.

from the decision of the said engineer to an engineer to be named by the Chief Justice of Ontario, and the decision of the engineer so named shall be binding upon both parties."

56 V. c 91
Schedule A
para. 16,
amended.

Discontinu-
ance of service
on part of
Princess
street.

Specific
performance
of agreement,
etc., and
imposition
of penalty for
failure to
perform
covenants, etc.

2. Clause (c) of paragraph 16, of the said Schedule A to the said Act is amended by adding after the words "thirty minutes" in the last line thereof the words following: "provided that the service as to the said section on Princess street from Alfred Street, westward to the city limits may be discontinued during three months in each year for a period of even years from the passing of this Act."

s

3. In case of default, neglect or failure on the part of the said company or of the city to perform any of the covenants, obligations, agreements or provisions contained in the agreement comprised in the said Schedule A to the said Act, or any other agreement between the said city and company not relating to freight car service, the said Corporation of the City of Kingston or the company shall have the right to bring an action in the High Court of Justice to compel the performance of or to restrain the violation of any of the said covenants, obligations, agreements or provisions, and the said court shall inquire into any such alleged breach and the nature and extent thereof and shall make such order in the way of specific performance or mandamus or impose by way of liquidated damages a penalty in lieu thereof or otherwise as to the said court may seem necessary in the interests of justice to enforce a substantial compliance with the agreement in the said schedule and the other agreements above referred to

CHAPTER 80.

An Act respecting The Lac Seul, Rat Portage and Keewatin Railway Company.

Assented to 26th April, 1904.

WHEREAS the Lac Seul, Rat Portage and Keewatin Rail- Preamble. way Company was incorporated by an Act passed by the Legislature of the Province of Ontario in the 3rd year of His Majesty's reign, chapter 102, for the purpose of constructing and operating a line of railway from a point at or near Lac Seul in the District of Rainy River and continuing in a southerly direction by the most feasible route *via* Rat Portage and the Township of Keewatin to a point at or near Shoal Lake in the District of Rainy River and to construct branch lines not exceeding twelve miles in length; and whereas the said company has by its petition prayed that an Act may be passed authorizing the said company to extend its undertaking by constructing and operating a line of railway from the Town of Rat Portage in a north westerly direction by the most feasible route to intersect the proposed line of the Grand Trunk Pacific Railway, or the National Transcontinental Railway; and whereas it is expedient that the prayer of the said petition should be granted;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of the Act passed in the third year of 3 Edw. VII. His Majesty's reign, chapter 102, and intituled "An Act to incorporate The Lac Seul, Rat Portage and Keewatin Railway Company" is amended by inserting after the words "Rainy River" in the eighth line the following "and from the Town of Rat Portage in a north westerly direction by the most feasible route to intersect the proposed line of the Grand Trunk Pacific Railway or the National Transcontinental Railway." c 102, s. 2
amended.

CHAPTER 81.

An Act respecting The London, Aylmer and North Shore Electric Railway Company.

Assented to 26th April, 1904.

Preamble.

WHEREAS by an Act of the Legislature of Ontario passed in the first year of His Majesty's reign, chaptered 82, the London, Aylmer and North Shore Electric Railway Company was incorporated; and whereas the said company has by its petition represented that, owing to the fact that it is intended to carry coal and other heavy freight over the said railway it has been found necessary to use rails of a weight of not less than seventy pounds to the yard and to have better construction of the roadbed and greater generating power than would be usually required on an electric railway, and that the line upon which the railway is to be constructed crosses the River Thames with several large streams, creeks, gullies and ravines which will necessitate the expenditure of large sums of money in the erection of bridges and trestling and the filling in and reducing of grades, and that by the restrictions placed upon the borrowing powers of the company by their Act of Incorporation the company finds itself unable to make such financial arrangements as will enable it to prosecute the undertaking successfully; and whereas the said company has prayed that an Act may be passed to increase the borrowing powers of the company to \$25,000 per mile for each mile of the said railway, and to reduce the capital stock of the company to \$400,000; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:—

Power to issue bonds to \$25,000 per mile.

1. The Directors of the company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon are present in person or represented by proxy, may issue bonds, debentures or other securities to the extent of \$25,000 per mile

mile for each mile of the said railway and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer, and countersigned by the secretary, which counter-signature, and the signature of the coupons attached to the same may be engraved, and such bonds, debentures or other securities may be made payable at such times, and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper; and no bonds or debentures shall be issued until ten per centum of the authorized capital of the company has been actually expended on the work.

2. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders whether resident in this Province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

3. The company may secure the bonds, debentures or other securities, hereby authorized to be issued, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding, and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the Office of the Provincial Secretary of which deposit notice shall be given by the company in *The Ontario Gazette*.

(c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or to be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial

Rights of
aliens.

Securing
bonds by
mortgage.

Rev. Stat.
c. 148.

Secretary as aforesaid ; nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act* or any Act requiring the registration or renewal of mortgages of chattels ; but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act* or any Act requiring registration or renewal of mortgages of chattels had been fully complied with.

**1 Edw. VII.. c. 82, s. 6,
repealed.** **4.** Section 6 of the Act to incorporate the said company passed in the first year of His Majesty's reign, chaptered 82, is repealed and the following substituted therefor :—

Capital stock. **6.** The capital stock of the said company shall be \$400,000 to be divided into 4,000 shares of \$100 each.

**Act to be read
as part of 1
Edw. VII.,
c. 82.** **5.** This Act shall be read with and as part of the Act to incorporate the said company passed in the 1st year of His Majesty's reign, chaptered 82.

CHAPTER 82.

An Act to incorporate The Mount McKay and Kakabeka Falls Railway Company.

Assented to 26th April, 1904.

WHEREAS Clarence Hugh Jackson of the Town of Fort Preamble William in the District of Thunder Bay, merchant, Charles William Jarvis of the said Town of Fort William, banker, James Murphy of the said Town of Fort William, contractor, Walter Frederick Hogarth of the said Town of Fort William, merchant, Catharine Matheson, of the said Town of Fort William Married Woman, Samuel Clements Smoke of the City of Toronto in the County of York, Barrister-at-Law, and Strafford Watson, of the said City of Toronto, gentleman, have by their petition prayed for an Act of incorporation under the name of "The Mount McKay and Kakabeka Falls Railway Company" for the purpose of constructing and operating a railway from, in, near or through lot 10x Kakabeka Falls, in the District of Thunder Bay, in an easterly direction along or near the Kaministiquia River through the Township of Paipoonge and Neebing to a point at or near the mouth of the Mission River and thence along or near the shore of Thunder Bay to a point at or near Squaw Bay, in the said District; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent, of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Clarence Hugh Jackson, Charles William Jarvis, James Murphy, Walter Frederick Hogarth, Catharine Matheson, Samuel Clements Smoke and Strafford Watson and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Mount McKay and Kakabeka Falls Railway Company," hereinafter called "the company."

2. The company and their servants and agents are authorized and empowered to survey, lay out, construct, complete Location of line.

plete, equip, maintain, and operate by electricity, compressed air, or any other motive power, approved of by the Railway Committee of the Executive Council of Ontario, except steam, and from time to time to remove and change a double or single track, iron or steel railway, with all necessary side tracks and turn outs for the passage of cars, motors, carriages and other vehicles adapted to the same from some point in, near or through Lot 10 x Kakabeka Fall in the District of Thunder Bay in an easterly direction along or near the Kaministiquia River through the Townships of Paipoonge and Neebing to a point at or near the mouth of the Mission River and thence along or near the shore of Thunder Bay to a point at or near Squaw Bay in the said District; and the said railway, or any part thereof, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same.

3 Edw. VII,
c. 19.

Provisional
directors.

Rev. Stat.
c. 209.

Capital stock.

Number of
directors.

Annual
meeting.

Head office.

Meeting of
provisional
directors.

Rights of
aliens.

3. The persons named in section 1 of this Act with power to add to their number shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act*.

4. The capital stock of the company hereby incorporated shall be two hundred and fifty thousand dollars to be divided into two thousand five hundred shares of one hundred dollars each.

5. The number of directors shall not be less than five nor more than nine.

6. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the company.

7. The head office of the company shall be at the Town of Fort William, in the District of Thunder Bay, and all meetings of the provisional board of Directors shall be held at the said Town of Fort William.

8. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company

company, and all such shareholders, whether resident in the Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors of the company.

9. The company is authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said *Electric Railway Act* ^{Rev. Stat., c. 209.} and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereto with respect to "plans and surveys." The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Railway Committee of the Executive Council of Ontario may sanction and approve of the construction by sections at different points and not continuously along the said line of railway.

10. Whenever any section of the said railway, of not less than five miles, has been completed, the company may give to the Railway Committee of the Executive Council of Ontario a notice as to it, similar to that required by section 87 of *The Electric Railway Act*, and unless ordered as provided by section 89 of the said Act to postpone the same, may open and operate such section as if it were a completed road, and all the sections of the said Act applicable thereto shall thereupon apply to the said section as if it were a completed road and to its operation.

Power to borrow by the issue of bonds, etc.

11. The said company shall have all the borrowing powers conferred by the provisions relating thereto in *The Electric Railway Act*, and may issue bonds, debentures and other securities, as therein provided, to an amount not exceeding \$25,000 for each mile of the railway and the power of issuing such bonds, debentures or other securities may be exercised from time to time as said sections of five miles or over are opened, to the amount of \$25,000 a mile for each mile so opened, although twenty per centum of the authorized capital may not have been then actually expended, and when said twenty per centum has been actually expended on the work of the said railway, then the company shall have all the powers relating to the issue of bonds, debentures and securities conferred by *The Electric Railway Act*, and to the said limit or amount of \$25,000 per mile of the Railway.

Rev. Stat.,
c. 209.

Directors
empowered to
pay in stock.

12. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way and may pay therefor either in part or in whole, either in cash or bonds or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the company such sums as they may deem expedient to engineers or contractors or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity until sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters and the stock so acquired by any person shall for all purposes be deemed to be paid in cash.

Production of
electricity.

13. The company may acquire by lease or purchase and utilize water powers for the purposes of compressing air or generating electricity for lighting, heating or other purposes required for the undertaking authorized by this Act.

Disposing of
electric power

14. The company may in all municipalities where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions imposed by such by-law, sell or lease any electricity not required for the purposes of the company to any person, firm or corporation, and in that behalf shall possess the powers, rights and privileges, and shall be subject to the obligations and restrictions of joint stock companies incorporated under *The Act respecting*

*respecting Companies for Supplying Steam, Heat, Electricity, Rev. Stat.
or Natural Gas for Heat, Light or Power, and the company c. 200.*
may acquire and hold any property necessary for the purposes
mentioned in this section.

15. The company shall have the power to agree for connections and making running arrangements with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company and any other railway company or street railway company, the lines of which are approached or crossed by the line or lines of the company, if lawfully empowered to enter into any such agreement, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company hereby incorporated to enter into any agreement or agreements with any such company if lawfully authorized to enter into such an agreement, for the sale, or leasing, or hiring of the whole or any portion of the railway herein authorized, or the use thereof, or for the sale, or leasing, or hiring any compressed air or electric motors, carriages or cars; or any of them, or of any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders, voting in person or by proxy, at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may, and are hereby authorized to work the said railway in the same manner as if incorporated with its own line, subject to the provisions, of any municipal by-law or by-laws which may from time to time be in force, so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act; provided that electric power, compressed air, or any other motive power approved by the Railway Committee of the Executive Council of Ontario, except steam, only shall be used in operating any portion of the said railway or any section or branch thereof; and provided also that no such agreement for connections, running arrangements, sale, leasing, or hiring of the said railway or any portion thereof, shall be entered into by the said company until the consent of the council or councils of the municipal corporation or corporations affected thereby has first been obtained, or if such consent has been refused until the approval of the Railway Committee of the Executive Council of Ontario has first been obtained; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Power as to
agreement
with other
companies to
be subject to
regulations.

16. The authority and power conferred upon the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway, or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Power to
collect back
charges.

17. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Special rates
for fruit, etc.

18. The company may make uniform special rates for the storage and carriage of fruit, milk, and any other perishable goods.

Municipalities
not to grant
exclusive •
rights.

19. Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Crossing other
railways.

20. Notwithstanding any provisions to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith, with the consent of such other company, or with the authority of the Board of Railway Commissioners for Canada, or of the Railway Committee of the Executive Council of Ontario, but nothing in this section shall be construed as purporting or intending to confer rights or powers on the said company or the Railway Committee of the Executive Council of Ontario, not within the legislative authority of the Province of Ontario.

Rev. Stat.
c. 209, when
to apply.

21. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them except so far only as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of said Electric

tric Railway Act, and of every Act in amendment thereof so incorporated within this Act.

22. Notwithstanding anything in this Act contained, the railway shall not be constructed within the limits of any city except upon and subject to such terms and conditions as may mutually be agreed upon between the company and any street railway or electric railway already operating in such city, provided always that if the council of such city shall by by-law or resolution request the street railway company or electric railway company to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Railway Committee of the Executive Council of Ontario in case the city corporation and the said two companies are unable to agree upon the same.

23. The railway shall be commenced within two years and completed within four years after the passing of this Act.

Time for com-
mencement
and comple-
tion.

CHAPTER 83.

An Act respecting the Nepigon Railway Company.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Nepigon Railway Company was duly incorporated by an Act passed by the Legislature of the Province of Ontario, in the second Session of the 62nd year of Her late Majesty Queen Victoria's reign, and chaptered 98; and whereas the said Act was duly amended by an Act of the said Legislature passed in the second year of His Majesty's reign, and chaptered 85; and whereas by the said Act as so amended, the Nepigon Railway Company was incorporated for the purpose of constructing and operating a railway from some point on Nepigon Bay, at or near Nepigon Station on the line of the Canadian Pacific Railway, thence in a northerly direction by way of Lake Nepigon to the Albany River, and thence in a north-easterly direction by way of the valley of the Albany River, by the most feasible route to James Bay; and a branch of the said railway from some point on the main line between Nepigon Station and Lake Nepigon in a south westerly direction to Port Arthur and Fort William, and branch lines not exceeding twelve miles in length; and whereas the said Company has by its petition prayed that an Act may be passed authorizing the said company to extend its undertaking as defined in the said Act of Incorporation as so amended, by constructing and operating a railway ferry across Lake Nepigon, and a line of railway from a point on the north shore of Lake Nepigon, northerly, to intersect the Grand Trunk Pacific Railway or the National Transcontinental Railway, and thence northerly to the Albany River; and whereas the said company has further, by its said petition, prayed that its bonding powers may be similar to the bonding powers of the Nepigon Railway Company, incorporated under the Act of the Parliament of Canada, known as 2 Edward VII., chapter 82; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of the Act passed in the 62nd year of Her late Majesty, Queen Victoria's reign, chapter 98, and intituled "An Act to incorporate the Nepigon Railway Company" as amended by an Act passed in the 2nd year of the reign of His Majesty King Edward VII., chapter 85, is amended by inserting after the words "Fort William" in the thirteenth line thereof the following:—"And to construct and operate a line of railway from some point on the north shore of Lake Nepigon in a northerly direction to intersect the Grand Trunk Pacific Railway or the National Transcontinental Railway and thence northerly to the Albany River."

2. The company may, for the purpose of its railway under-taking and in connection with its railway business, construct and operate a railway ferry across Lake Nepigon.

3. Section 20 of the Act passed in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 98, and intituled *An Act to incorporate the Nepigon Railway Company* is repealed. ^{62 Vic. c. 98, sec. 20, repealed.}

20.—(1) The company may issue bonds, debentures or other securities to the extent of \$20,000 per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of the railway constructed or under contract to be constructed, and the provisions of clause (c) of subsection 19 of section 9 of *The Railway Act of Ontario* shall not apply to such bonds nor to the issue thereof. ^{Bond issue on railway.} ^{Rev. Stat., c. 207.}

(2) The company having been first authorized by a resolution passed at a special general meeting of the shareholders duly called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the company are present, or represented by proxy, may from time to time issue bonds or debentures for the purchase or construction of any vessels or property other than the railway which the company is authorized to acquire but the amount of such bonds and debentures shall not exceed the value of such vessels or properties. ^{Bond issue on other property.}

(3) For the purpose of securing each issue of such bonds, the company may give a mortgage, not contrary to law or inconsistent with the provisions of this Act in such form and containing such provisions as may be approved of by a resolution passed at the special general meeting of the shareholders mentioned in the last preceding sub-section. ^{Mortgages to secure bonds on vessels, etc.}

(4) Each of such mortgages shall be made to trustees, who shall be appointed for that purpose at such special general meeting, and may contain provisions determining the amount secured upon the vessels or class of vessels, or upon the properties, other than the railway, to which it relates, the rank and priority of the bonds thereby secured, the rights and remedies

remedies of the holders of such bonds, the manner of assuring application of the proceeds of such bonds for the purposes for which they were issued, the rate of interest which they shall bear, and the time and place of payment of the principal and interest, the creation of a sinking fund for the redemption of the said bonds, and all the conditions, stipulations and restrictions necessary for giving effect to the terms of the mortgage and the protection of the holders of such bonds.

Power to bind tolls and revenue.

(5) The company may pledge the tolls and revenue of the vessels or class of vessels or properties, other than the railway, to which the mortgage relates, in the manner and to the extent therein specified, and the said mortgage shall create absolutely a first lien and charge upon the vessels or class of vessels, or properties, other than the railway, therein described, as well as upon the tolls, revenues and subsidies mortgaged; the whole for the benefit of the holders of the bonds with respect to which it is executed.

How bond-holders to rank.

(6) Each issue of the bonds to be secured by the mortgage mentioned in the next preceding sub-section, shall entitle the holders of each of such issues to rank *pari passu*; and a duplicate of such mortgage shall be filed in the office of the Provincial Secretary.

62 Vic. (2) c.
85, sec. 50 as
amended by
2 Edw. VII.,
c. 85 further
amended.

4. Section 50 of the said Act, as amended by the Act passed in the 2nd year of the reign of His Majesty King Edward VII., and chaptered 85, is amended by inserting after the words "Canada Northern Railway Company," the words "Nepigon Railway Company, the Grand Trunk Pacific Railway or the National Transcontinental Railway,"

CHAPTER 84.

An Act to incorporate The North Midland Railway Company.

Assented to 26th April, 1904.

WHEREAS Arthur Hickling of Botolph House, in the Preamble.
City of London, in that part of the United Kingdom
of Great Britain and Ireland called England, gentleman ;
George Henry Westlake of the City of London, in that part
of the Dominion of Canada called Ontario, engineer ; George
Farnworth, of the same place, gentleman ; Alfred Ernest
Welch, of the same place, stockbroker ; and Thomas Henry
Luscombe, of the same place, barrister-at-law, have, by their
petition, prayed for an Act of incorporation under the name
of The North Midland Railway Company, for the purpose of
constructing a system of railways in and through the follow-
ing municipalities, namely, (a) the City of London, the Town-
ships of London and Biddulph, and along or near the town
lines between the townships of McGillivray, Stephen, Usborne,
Hay, Stanley and Tuckersmith and in, near or through the
Villages of Lucan, Clandeboye, Centralia and Hensall and the
Town of Exeter to the Town of Clinton, (b) from the Town of
Clinton along or near the town lines between the Townships
of Hullett, Tuckersmith, McKillop, Hibbert, Logan and
Fullerton, to a point in or near the Town of Mitchell passing
through or near the Town of Seaforth, (c) from the Town of
Exeter through the Townships of Usborne, Hibbert and
Fullerton, to, in and through the Town of Mitchell, (d) From
the City of London through the Townships of London, West
Nissouri and Blanchard, to, and in and through the Town of St.
Mary's, and (e) from the Town of St. Mary's through the
Townships of Blanchard and Downie to and in and through
the City of Stratford with power to build and operate any
part of the said railway in sections ; and whereas it is
expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

Incorpora-
tion.

1. The said Arthur Hickling, George Henry Westlake, George Farnworth, Alfred Ernest Welch and Thomas Henry Luscombe and such other persons, firms and corporations as shall hereafter become shareholders in the said Company are hereby constituted a body corporate and politic under the name of "The North Midland Railway Company," hereinafter called "the Company."

Location of
lines.

2. The said company and their servants and agents are hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate by compressed air or electricity or if approved by the Railway Committee of the Executive Council of Ontario by any other motive power except steam, and from time to time remove and change a double or single track iron or steel railway of the gauge of four feet eight and one-half inches with all necessary side tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, in near and through the following municipalities, namely:—(a) The City of London, the Townships of London and Biddulph, and along or near the town lines between the Townships of McGillivray, Stephen, Usborne, Hay, Stanley and Tuckersmith and in, near or through the Villages of Lucan, Clandeboye, Centralia and Hensall and the Town of Exeter to the Town of Clinton; (b) from a point in or near the Town of Clinton along or near the town lines between the Townships of Hullett, Tuckersmith, McKillop, Hibbert, Logan and Fullerton to a point in or near the Town of Mitchell, passing through or near the Town of Seaforth; (c) from a point in or near the Town of Exeter, through the Townships of Usborne, Hibbert and Fullerton to, in and through or near the Town of Mitchell; (d) from the City of London through the Townships of London, West Nissouri and Blanchard to and in and through the Town of St. Mary's, and with like powers and subject to like conditions as soon as but not before the railway herein-before authorized to be built by the said company from the City of London to the Town of St. Mary's has been constructed, to construct a railway, (e) from a point in or near the Town of St. Mary's through the Townships of Blanchard and Downie to and in and through the City of Stratford; and the said railways, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and the provisions therein, and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies, (if any), interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Consolidated*

Rev. Stat.
c. 209.

3 Edw. VII.,
c. 19.

Consolidated Municipal Act, 1903, and any Act or Acts amending the same.

3. The said Arthur Hickling, George Henry Westlake, ^{Provisional} directors. George Farnworth, Alfred Ernest Welch and Thomas Henry Luscombe shall be and are hereby constituted a board of provisional directors of the company of whom a majority shall be a quorum, and shall hold office as such until other ^{Rev. Stat.} _{c. 209.} directors shall be appointed under the provisions of *The Electric Railway Act.*

4. The number of directors shall not be less than five, nor ^{Number of} directors. more than nine.

5. The head office of the company shall be at the said ^{Head office.} City of London, and all meetings of the provisional board of directors of the company shall be held at the said City of London, or at such other place as may best suit the interests of the company.

6. The capital stock of the company shall be \$1,000,000 ^{Capital stock.} to be divided into 10,000 shares of \$100 each.

7. The date, time and place of the annual meeting of the ^{Annual} shareholders shall be fixed by the by-laws of the company. _{meeting.}

8. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said ^{Construction} _{Rev. Stat.} ^{of railway in} sections. *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act*, and the amendments thereof, applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken and the statement of the whole of the said railways had been taken, made, examined, certified and deposited according to

to the said clauses of the said Electric Railway Act and the amendments thereof with respect to "plans and surveys." The construction of the railway in sections, as set out in section 9, may be commenced at such point or points on the line of railway as the directors may determine, and two or more sections may be under construction at the same time; and whenever any portion (as set out in section 9) has been commenced, the said work of construction on any such portion shall be continued therefrom, so as to form one continuous line of railway, provided, however, that the Railway Committee of the Executive Council of Ontario may sanction and approve of the construction of any portion (as set out in section 9) by sections at different points and not continuously along the said portion of railway; and whenever any section of the railway of not less than five miles in length has been completed the company may open and operate such section, subject to the provisions of sections 87 and 89 of *The Electric Railway Act.*

Rev. Stat.
c 209.

**Application
of capital.**

9. The capital stock of the Company shall be applied and appropriated towards the construction of the said railway as follows: (a) London to Clinton, \$400,000; (b) Clinton to Mitchell, \$150,000; (c) Exeter to Mitchell, \$150,000; (d) London to St. Mary's, \$150,000; (e) St. Mary's to Stratford, \$150,000.

**Organization
of company.**

10. When and so soon as twenty-five per centum of the authorized capital appropriated to any such section or branch shall have been subscribed, and ten per centum paid thereon in cash to the credit of the said company into some chartered bank in Ontario, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors or a majority of them present at a meeting duly called for the purpose shall call a general meeting of the shareholders of the company for the purpose of organization.

**Preference
stock.**

11.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the same or.

or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act; provided, however, that in respect of dividends and otherwise, they shall as against the ordinary shareholders be entitled to the preferences and rights given by such by-law.

(5) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the company.

12. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid-up stock, and may pay or agree to pay in paid-up stock or in bonds of the company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid-up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

13. Aliens and companies incorporated abroad as well as British subjects and corporations, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors of the company.

14. No person shall be elected a director unless he is the owner and holder of ten shares of stock in the company upon which all calls have been paid.

Tolls on fruit
and milk.

15. The company may make uniform special rates for the carriage of fruit and milk and other perishable goods.

Payments of
charges on
goods carried.

16. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Laying rails
on highways.

17. Any municipality through which the said railway passes and having jurisdiction in the premises may, subject to the provisions and conditions contained in this Act, *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same, and subject also to the terms of and unless restricted by any agreement lawfully entered into between any such municipality and any other railway or street railway company, pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company, and if such highways be in the possession of, or under the control of any joint stock company then also with the consent of and subject to the conditions imposed by such joint stock company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the company; and it shall and may be lawful for the company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Crossing
highways, etc.

18. The company shall have power to purchase or otherwise acquire lands for the purposes of the company, and shall have power to construct and operate its line of railway upon lands so acquired, and shall have the right without any municipal by-law or consent to construct and operate its line of railway across highways and toll roads, upon the level where such highways or toll roads intersect or adjoin the lands so acquired and where the company owns land on either side of any such highway or toll road. Provided that nothing herein contained shall apply to the City of Stratford or to the Town of St. Mary's.

Proviso.

Crossing other
lines on the
level.

19. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith, with the consent of

3 Edw. VII.,
c. 19.

of such other company, or with the authority of the Board of Railway Commissioners for Canada, or of the Railway Committee of the Executive Council of Ontario, but nothing in this section shall be construed as purporting or intending to confer rights or powers on the said company or the Railway Committee of the Executive Council of Ontario, not within the legislative authority of the Province of Ontario.

20. Notwithstanding anything contained in *The Electric Railway Act* to the contrary, the company may exercise all powers of expropriation provided by the said Act, without the consent of the council of the municipality in which the lands sought to be expropriated are situate, and without the certificate of the County Judge, upon the Railway Committee of the Executive Council of Ontario so ordering, and the said Railway Committee may, on the application of the company, order that the company shall have such powers of expropriation,

Expropria-
tion.
Rev. Stat., c.
203.

21. Notwithstanding anything in this Act contained in the Operating in cities. Proviso.

railway shall not be constructed along any highway within the limits of any city except upon and subject to such terms and conditions as may mutually be agreed upon between the company and any street railway or electric railway already operating in such city and the council of the corporation of such city. Provided always that if there is an existing agreement between such city and the street railway or electric railway already operating in such city then the railway hereby authorized shall not be constructed along any such highway except upon and subject to the terms of such existing agreement; provided also that where the agreement between any city street railway company and the city does not contain any provision for the admission of radial roads then if the council of such city shall by by-law or resolution request the street railway company or electric railway company to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Railway Committee of the Executive Council of Ontario in case the city corporation and the said two companies are unable to agree upon the same.

22. The company is hereby authorized to use upon their line Use of steam, of railway, steam as a motive power during the construction of the road, and at other times for construction purposes.

Running arrangements and connections with other companies.

23. The company shall have power to agree for connections and making running arrangements with any railway company or companies now or hereafter lawfully authorized to construct a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company to enter into an agreement or agreements with such companies or any of them if lawfully authorized to enter into such an agreement for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any compressed air or electric motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof; and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line subject to the provisions of any municipal by-law or by-laws which may from time to time be in force so far as the same may affect the company hereby incorporated or the railway to be built under the authority of this Act; provided that electric power or compressed air only shall be used in operating any portion of the said railway or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railways, or any portion thereof, shall be entered into by the company unless and until the consent of the council or councils of the municipal corporation or corporations affected thereby has first been obtained, or, if such consent has been refused, until the approval of the Railway Committee of the Executive Council of Ontario has first been obtained; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Power to issue bonds, debentures and other securities and to raise money thereon.

24. The directors of the company may issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by their secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times, and in such manner, and at such place or places in Canada, or elsewhere, and may bear such rate of interest, not exceeding six per centum per annum, as the directors may think

think proper; but the whole amount of the issue of such bonds debentures or other securities shall not exceed \$25,000 for each mile of the railway.

25.—(1) The company may issue bonds or debentures covering the whole or any section or sections of the railway authorized by this Act as soon as the company has constructed or acquired five miles of railway; and, to secure such bonds or debentures, may mortgage the whole or any section or sections of the said railway, as the directors may, from time to time, provide.

(2) The bonds or debentures shall only be issued to the purchasers thereof in proportion to the length of railway constructed or acquired.

26. The directors are hereby authorized to pay out of moneys of the company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized.

27. Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in the said municipality.

28. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and shall be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include clauses of the said *Electric Railway Act* and of every Act in amendment thereof so incorporated with this Act.

29. The railway shall be commenced within two years and completed within four years after the passing of this Act.

30. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

Power to
make agree-
ments with
other com-
panies as to
power.

31. The said company shall have power to enter into any agreement with any other company or person for the purchase, leasing or hiring of power to run their compressed air or electric motors or other motors, carriages or cars or for lighting or heating them or for any other purpose for which it may be required by the said company.

CHAPTER 85.

An Act to incorporate The Ottawa River Railway Company.

Assented to 26th April, 1904.

WHEREAS William Drummond Hogg, of the City of Preamble, Ottawa, in the Province of Ontario, King's Counsel; Edgar McMullen, of the City of Boston, in the State of Massachusetts, Capitalist; the Honourable James Domville, of the Village of Rothesay, in the Province of New Brunswick, Senator; the Honourable William Owens, of the City of Montreal, in the Province of Quebec, Senator; Frederick Debartz Monk, of the said City of Montreal, King's Counsel; Thomas Gauthier, of the said City, Insurance Agent; Henry William Raphael, of the said City, Merchant; Joseph A. C. Ethier, of the Village of Ste. Scholastique, in the Province of Quebec, Advocate; Colin Macdonald Thomson, James Douglas Wells and Thomas Alfred Richardson, all of the City of New York, in the State of New York, Capitalists, have by their petition prayed for an Act of Incorporation under the name of "The Ottawa River Railway Company" for the purpose of constructing and operating a railway from the Town of Hawkesbury, in the County of Prescott, through the Townships of Longueil, Alfred and Plantagenet, in the said County of Prescott, the Townships of Clarence and Cumberland, in the County of Russell, and the Township of Gloucester, in the County of Carleton, to some point in or near the City of Ottawa, and from the said Town of Hawkesbury through the Counties of Prescott, Russell, Carleton and Lanark, passing by or near South Indian, Manotick and Carleton Place, and through the Counties of Frontenac, Lennox and Addington, Renfrew, Hastings, Haliburton and the Districts of Muskoka and Parry Sound and the County of Simcoe to some point on the Georgian Bay, between the Town of Parry Sound, in the said District of Parry Sound, and the Town of Midland, in the said County of Simcoe; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. The persons named in the preamble to this Act and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Ottawa River Railway Company," hereinafter called "the company."

Location of line.

2. The said company and their servants and agents are authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate, by steam, a railway with double or single iron or steel tracks, with all necessary side tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same, from some point in or near the Town of Hawkesbury, in the County of Prescott, through the Townships of Longueil, Alfred and Plantagenet, in the said County of Prescott, the Townships of Clarence and Cumberland, in the County of Russell, and the Township of Gloucester, in the County of Carleton, to some point in or near the City of Ottawa; and from the said Town of Hawkesbury, through the Counties of Prescott, Russell, Carleton and Lanark, passing by or near South Indian, Manotick and Carleton Place, and through the Counties of Frontenac, Lennox and Addington, Renfrew, Hastings, Haliburton, and the Districts of Muskoka and Parry Sound and the County of Simcoe, to some point on the Georgian Bay, between the Town of Parry Sound, in the said District of Parry Sound, and the Town of Midland, in the said County of Simcoe.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The persons named in the preamble of this Act, with power to add to their number, shall be and are constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion exclude any one from subscribing for stock

stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time, a portion, or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Ottawa or at such other place as may best suit the interests of the company.

6. Conveyances of land to the company for the purposes of, and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

8. The company may receive, from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

9. The capital stock of the company hereby incorporated shall be \$500,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 5,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of the said

Conveyances
of land to
Company.

Subscriptions
for stock when
binding.

Capital stock.
Rev. Stat., c.
207.

said money shall be applied to the making, equipping, completing and maintaining the said railway and to the other purposes of this Act.

First general meeting.

10. When and as soon as shares to the amount of \$100,000 of capital stock in the company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the Company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the City of Ottawa of the time, place and purpose of said meeting.

Election of directors.

11. At such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting; and a majority of the directors shall form a quorum of the board and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director,

Rev. Stat. c. 207.

Qualification of directors.

12. No person shall be qualified to be elected a director by the shareholders unless he is the owner and holder of at least ten shares of stock in the company upon which all calls have been paid.

Construction of line by sections.

Rev. Stat. c. 207.

13. The company is authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in

in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors of the company.

15. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act.

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way and may pay therefor either in part or in whole, either in cash or bonds or in paid-up stock, and may pay or agree to pay in paid-up stock, or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, • whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity until sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters and the stock so acquired by any person shall for all purposes be deemed to be paid in cash.

17. The head office of the company shall be at the said City of Ottawa, in the County of Carleton, and the general annual meeting of the shareholders of the company shall be held at the

Head office ;
general
annual
meeting.
the

Contracts for
construction
of line, etc.

Payments in
stock or
bonds.

the head office of the company or elsewhere as the directors may deem most convenient on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week for the same period in some newspaper published in the City of Ottawa during the four weeks immediately preceding the week in which such meeting is to take place.

Special general meetings.

18. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section.

Proxies.

19. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Bonding powers.

**Rev. Stat.
c. 207.**

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all \$35,000 for each mile of the said railway and branches, and the provisions of subsections 19, 20, 21, 22 and 23 of Section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said subsections.

Bonds, how payable.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Negotiable instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible

responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

23. The company may from time to time, for advances of ^{Mortgaging or pledging.} money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Agreements with other companies for leasing or hiring rolling stock.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches; and, for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company, provided also that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

Proviso.

26. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose,

Aid from municipalities.

Proviso.

purpose.

purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Submitting bonus by-laws. **27.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

3 Edw. VII,
c. 19.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1903*, and the amendments thereto.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1903*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law whi
to contain.

28. Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in the said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Petition
against aid
from country.

29. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council

council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

30. The term "Minor Municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

31. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

32. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

33. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act.

34. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of
provisions of
3 Edw. VII.
c. 19.

35. The provisions of *The Consolidated Municipal Act* 1903, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may
extend time
for com-
mencement.

36. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

Councils may
extend the
time for com-
pletion.

37. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extent of aid
from munici-
palities.

38. Any municipality, or portion of a township municipality interested in the construction of the railway of the company may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

By-law grant-
ing exemption
from taxation.

39. It shall be lawful for the corporation of any municipality throughout any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of land.

40. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right

right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

41. Whenever any municipality or portion of a township ^{Issue of debentures.} municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any or the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

42. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Ottawa River Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to
trustees.

43. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to pur-
chase whole
lots.

44. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat.,
c. 207.

Acquiring
materials for
construction.

45. When stone, gravel, earth or sand is or are required for the construction or maintenance of the said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which the said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Rev. Stat.
c. 207.

Rev. Stat.
c. 207.

Sidings to
gravel pits.

46.—(1) When the said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which the said materials shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years

years or permanently, as the company may think proper ; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, Rev. Stat., stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

47. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

48. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such charges by the company, the company without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

49.—(1) The said company shall have power to agree for connections and making running arrangements with the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company and any other railway company the lines of which are approached or crossed by the line or lines of the company, if lawfully empowered to enter into any such agreement, upon terms to be first authorized by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into an agreement or agreements with any such company, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any locomotives, carriages, or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be so authorized by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such

Collecting
back charges
on goods

Agreements
with other
companies.

agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line.

(2) The company may enter into an agreement with any other railway company owning or empowered to construct and operate a railway between the terminal points mentioned in section 2 of this Act or any portion of such line, or with any other company empowered to build lines of railway intersecting or crossing the line of railway between the said terminal points; for leasing or purchasing any such line or portion thereof or any of the rights and privileges conferred by the Act incorporating such company or any amendments thereto, and the company may purchase from any such other company its line or portion thereof, or any or all of the rights and privileges conferred upon such other company by its Act of Incorporation or any amendments thereto; and the directors of each and all of the said companies may enter into such agreements with the company, and the company may exercise any of the said rights and privileges at any time within five years from the time of the passing of this Act notwithstanding any limitation of time mentioned in any of the said Acts or *The Railway Act of Ontario*; and the company may make payment of the price therefor wholly or partly in cash or wholly or partly in the fully paid up or partly paid up shares of the capital stock of the company, or wholly or partly in the bonds or debentures of the company or otherwise; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it; but nothing in this or the preceding sub-section shall be construed as purporting or intending to confer rights or powers upon any company, which is not within the legislative authority of the Province of Ontario.

(3) A duplicate of each such agreement referred to in subsection (1) of this section shall within thirty days after its execution be filed in the office of the Commissioner of Public Works, and notice thereof shall be given by the company in *The Ontario Gazette*, and thereupon such agreement shall be deemed to be complete and operative according to the terms thereof.

*Acquiring
stock or bonds
in other
companies.*

50. The company may acquire, hold and dispose of stock or bonds, and other securities of the companies referred to in section 49 of this Act or any of them, and may pay for the same wholly or partly in cash or wholly or partly in shares, debentures or bonds of the company, and may guarantee payment of the bonds or other securities of any of the said companies.

*Transfer
shares.*

51. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer

transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

52. The several clauses of *The Railway Act of Ontario* Incorporation of provisions of Rev. Stat. c. 207. and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

53. The railway shall be commenced within two years Commencement and completion of line. and finally completed within five years after the passing of this Act.

54. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, leasing or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario may from time to time order.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$, paid to me (or us) by The Ottawa River Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The Ottawa River Railway Company, their successors and assigns forever (*here insert any other clauses, conditions and covenants required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of 19

Signed, sealed and delivered
in the presence of

[L. S.]
Schedule

SCHEDEULE B.

(Section 42.)

CHIEF ENGINEER'S CERTIFICATE.

The Ottawa River Railway Company's Office,
No.

A.D. 19

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Ottawa River Railway Company Municipal Trust Account given under section 42 chapter 85, of the Acts of the Legislature of Ontario, passed in the fourth year of His Majesty's reign,

I, chief engineer of
The Ottawa River Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township
of (or under the agreement dated the
day of , 19 , between the corporation of
and the said company) to entitle the said company to receive from the said trustees the sum of here set out the terms and conditions, if any, which have been fulfilled).

CHAPTER 86.

An Act to incorporate The St. Catharines, Pelham, and Welland Electric Railway Company.

Assented to 26th, April 1904.

WHEREAS Robert McLaren, of the City of St. Catharines in the County of Lincoln, merchant, Sinclair H. Glasgow, of the Town of Welland, in the County of Welland, physician, Edward Morris, of the Township of Pelham, in the said County of Welland, nurseryman, George Arnold, of the same place, real estate agent, and Steven Delamere Lake, of the said City of St. Catharines, railway contractor, have by their petition prayed for an Act of incorporation under the name of "The St. Catharines, Pelham and Welland Electric Railway Company," for the purpose of constructing and operating an electric railway from some point in the City of St. Catharines, in the County of Lincoln, passing through the Township of Grantham, in the said County of Lincoln, and the Townships of Pelham and Thorold in the County of Welland, to some point in the Town of Welland, in the said County of Welland, with a branch from the main line at or near the unincorporated Village of Fonthill, in the said Township of Pelham, through the unincorporated Village of Fenwick, to Fenwick Station on the line of the Toronto, Hamilton and Buffalo Railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Robert McLaren, Sinclair H. Glasgow, Edward Morris, Steven Delamere Lake and George Arnold, and such other persons and corporations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of "The St. Catharines, Pelham and Welland Electric Railway Company."

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, alter, and keep in repair a double or single track railway, with iron or steel rails, to be operated by electricity, from some point in the City of St.

Location of
line.

St. Catharines in the County of Lincoln, passing through the Township of Grantham in the said County of Lincoln, and the Townships of Pelham and Thorold in the County of Welland, to some point in the Town of Welland, in the said County of Welland, with a branch from the main line at or near the unincorporated Village of Fonthill, passing through the unincorporated Village of Fenwick, both in the said Township of Pelham, to Fenwick Station on the line of the Toronto, Hamilton and Buffalo Railway in the said Township of Pelham; and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements made, or hereafter to be made, between the said company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act*, and in *The Consolidated Municipal Act*, 1903, and any Act or Acts amending the same.

Rev. Stat. c.
209.

Runn n
arrangements
with other
companies.

3. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof; and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same

same may affect the company hereby incorporated, or the railway to be built under the authority of this Act. Provided that electric power only shall be used in operating any portion of the said railway or any section or branch thereof; and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company until the consent of the council or councils of the municipal corporation or corporations affected thereby has first been obtained, or if such consent has been refused until the approval of the Railway Committee of the Executive Council of Ontario has first been obtained, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

4. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway or to sell or lease or transmit electrical power shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may, at the time such agreement is entered into, be in force, and to such terms, conditions and regulations general or special as the Railway Committee of the Executive Council of Ontario may from time to time order.

Running
arrangements
to be subject
to approval of
Railway
Committee.

5. The said Robert McLaren, Sinclair H. Glasgow, Edward Morris, George Arnold and Stephen Delamere Lake, shall be ^{Provincial} directors, and are hereby constituted a board of provisional directors of the said company with power to add to their number, and shall hold office as such until other directors shall be appointed, under the provisions of *The Electric Railway Act* by ^{Rev. Stat.} ^{c. 209.} the shareholders.

6. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the said company.

Annual
meeting.

7. The head office of the said company shall be at the City of St. Catharines in the County of Lincoln, and all meetings of the provisional board of directors of the company shall be held at the said City of St. Catharines, or at such other place as may best suit the interests of the company.

Head office.

8. The capital stock of the said company shall be \$200,000 ^{Capital stock} divided into 2,000 shares of \$100 each.

9. The board of directors of the said company shall consist of not less than five and not more than nine persons who, shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act*.

Number
of directors.

Rev. Stat.
c. 209.

Special rates
for perishable
goods.

10. The company may make uniform special rates for the carriage of fruit, milk and other perishable freight.

Issue of bonds

11. The directors of the said company shall have power to issue bonds and debentures of the said company for the purpose of raising money for prosecuting the undertaking, but the whole amount of such bonds and debentures shall not exceed twenty thousand dollars for each mile of said railway and except as herein provided the borrowing powers of the company shall be governed by the provisions of *The Electric Railway Act*.

Rev. Stat.
c. 209.

Payments in
paid-up stock
or bonds.

12. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or in bonds, or in paid-up stock, and may pay or agree to pay in paid-up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters.

Power as to
production
and supply of
electric power.

13. The company may, in all municipalities where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions imposed by such by-law, sell or lease any electricity or electric power not required for the purposes of the company to any person, firm or corporation; and in that behalf shall possess the powers, rights and privileges and shall be subject to the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and the company may acquire and hold any property necessary for the purposes mentioned in this section.

Rev. Stat.
c. 200.

Exclusive
rights not to
be granted to
company.

14. Notwithstanding anything contained in this Act, or in any Statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges, or franchise as to the transmission of electrical energy for

for power, light and heat, over or across any public highway or street in the said municipality.

15. The several clauses of *The Electric Railway Act* and Application of Rev. Stat., c. 209.
of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act and shall apply to the company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein, shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

16. The railway shall be commenced within eighteen months and finally completed within three years after the passing of this Act. Commence-
ment and com-
pletion of line.

17. Notwithstanding anything in this Act contained, the railway shall not be constructed within the limits of any city except upon and subject to such terms and conditions as may mutually be agreed upon between the company and any street railway or electric railway already operating in such city, provided always that if the council of such city shall by by-law or resolution request the street railway company or electric railway company to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Railway Committee of the Executive Council for Ontario in case the city corporation and the said two companies are unable to agree upon the same. Operating
in cities.

CHAPTER 87.

An Act to incorporate The St. Joseph and Stratford Electric Railway Company.

Assented to 26th April, 1904.

Preamble.

WHEREAS Narcisse Cantin, agent, Oliver Bissonette, manufacturer, and Thomas Tombyll, manufacturer, all of the unincorporated Village of St. Joseph, in the County of Huron ; Toussaint Gidion Coursolles, chief translator of the House of Commons, Felix Marcel Hamel, civil engineer, and Alphonse A. Taillon, bank manager, all of the City of Ottawa, in the County of Carleton, have by their petition prayed that they may be incorporated under the name of "The St. Joseph and Stratford Electric Railway Company" for the purpose of constructing, equipping and operating an electric line of railway to run in and through the City of Stratford and thence westerly through the Townships of Downie, Fullarton and Hibbert, in the County of Perth, and the Townships of Tuckersmith and Hay, in the County of Huron, passing through the Village of Hensall to the unincorporated Village of St. Joseph in the said Township of Hay ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Incorporation

1. The said Narcisse Cantin, Toussaint Gidion Coursolles, Olivier Bissonette, Thomas Tombyll, Felix Marcel Hamel and Alphonse A. Taillon and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The St. Joseph and Stratford Electric Railway Company."

Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, make, construct, equip, complete, maintain, alter and keep in repair an iron or steel railway, to be operated by electricity, with double or single iron or steel tracks and with all necessary branches, switches, side-tracks, and turn-outs for the passage of cars, motors and other vehicles adapted thereto, in and through the City of Stratford and

and thence westerly through the Townships of Downie, Fullarton and Hibbert, in the County of Perth, and the Townships of Tuckersmith and Hay, in the County of Huron, passing through the Village of Hensall to the unincorporated Village of St. Joseph in the said Township of Hay; and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein, and in this Act contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreement with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same; provided that the company hereby incorporated shall pay to the provisional directors of The Ontario West Shore Electric Railway Company the sum of five thousand dollars within six months after the passing of this Act, whereupon The Ontario West Shore Electric Railway Company shall surrender and convey to The St. Joseph and Stratford Electric Railway Company all its right and title to construct and operate an electric railway between the said unincorporated Village of St. Joseph and the Village of Hensall, and said sum of five thousand dollars shall be a first lien and charge upon the assets and undertaking of The St. Joseph and Stratford Electric Railway Company, and payment thereof shall be enforceable at the suit of the said provisional directors in the same way and with the same rights and remedies as if they held a mortgage upon such assets and undertaking.

3. The said company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement for the sale or leasing or hiring of any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other and the compensation therefor, if the arrangements

Rev. Stat.,
c. 209.
3 Edw. VII..
c. 19,

Agreements
for connec-
tions, etc.,
with other
companies.

Proviso.

arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act. Provided that electric power only shall be used in operating any portion of the said railway or any section or branch thereof; and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company until the consent of the council or councils of the municipal corporation or corporations affected thereby has first been obtained, or if such consent has been refused, until the approval of the Railway Committee of the Executive Council of Ontario has first been obtained, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Power to be subject to general regulations.

4. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway, or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may, at the time such agreement is entered into, be in force, and to such terms, conditions and regulations, general or special, as the Railway Committee of the Executive Council of Ontario, may from time to time order.

Provisional directors.

5. The said Narcisse Cantin, Toussaint Gidion Coursolles, Olivier Bissonnette, Thomas Tombyll, Felix Marcel Hamel and Alphonse A. Taillon, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Place where meeting to be held.

6. All meetings of the provisional board of directors of the said company shall be held at the Village of St. Joseph in the County of Huron.

7. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the said company. Annual meeting.

8. The capital stock of the said company shall be \$1,000,000, to be divided into 10,000 shares of \$100 each.

9. The number of directors shall not be less than five nor more than nine. Number of directors.

10. The head office of the said company shall be at the Head office, Village of St. Joseph, in the County of Huron.

11. The said company may make uniform special rates for the storage and carriage of fruit, milk and any other perishable goods. Special rates for carriage of fruit, etc.

12.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law. By-law for issue of preference stock, what to contain.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the same or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof; and from the date of such approval the by-law shall be valid and may be acted upon. Proviso.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act; provided, however, that in respect of dividends and otherwise, they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

(5) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the company.

Construction
of line by
sections.

Rev. Stat.
c. 209.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far, as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said Electric Railway Act and amendments thereto, with respect to plans and surveys by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length ; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway all and every of the clauses of the said Electric Railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken and the statement of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof with respect to "plans and surveys." The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections, continuing therefrom so as to form at all times one continuous line of railway ; provided, however, that the Railway Committee of the Executive Council of Ontario may sanction and approve of the construction by sections at different points, and not continuously along the said line of railway.

Power to
operate road
in sections

Rev. Stat.,
c. 209.

14. Whenever any section of the said railway, of not less than five miles, has been completed, the company may give to the Railway Committee of the Executive Council of Ontario a notice as to it, similar to that required by section 87 of *The Electric Railway Act*, and unless ordered as provided by section 89 of the said Act to postpone the same, may open and operate such section as if it were a completed road, and all the sections of the said Act applicable thereto shall thereupon apply to the said section as if it were a completed road, and to its operation.

Power to
borrow by the
issue of
bonds, etc.

15. The said company shall have all the borrowing powers conferred by the provisions relating thereto in *The Electric Railway*

Railway Act, and may issue bonds, debentures and other securities, as therein provided, to an amount not exceeding \$20,000 for each mile of the railway, and the power of issuing such bonds, debentures or other securities may be exercised from time to time as said sections of five miles or over are opened, to the amount of \$20,000 a mile for each mile so opened, although twenty per centum of the authorized capital may not have been then actually expended, and when said twenty per centum has been actually expended on the work of the said railway, then the company shall have all the powers relating to the issue of bonds, debentures and securities conferred by *The Electric Railway Act*, and to the said limit or amount of \$20,000 per mile of the railway.

16. The company may, in all municipalities where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions imposed by such by-law, sell or lease any electricity or electric power, not required for the purposes of the company to any person, firm or corporation ; and in that behalf shall possess the powers, rights and privileges, and shall be subject to the obligations and restrictions of joint stock companies, incorporated under *The Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, Rev. St t., and the company may acquire and hold any property necessary for the purposes mentioned in this section.

17. Notwithstanding anything contained in this Act, or in any Statutes of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

18. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or in bonds, or in paid-up stock, and may pay or agree to pay in paid-up stock, or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not ; provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital

Disposal of surplus electrical power,

c. 200.

Limitation of transmission powers as to electrical energy.

Directors empowered to pay in stock.

Proviso.

capital

capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters.

Incorporation
of Rev. Stat.
c. 20^o.

19. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

Time of com-
mencement
and com-
pletion.

20. The railway authorized by this Act, shall be commenced within one year and shall be completed within three years from the passing hereof.

Agreements
for operation
on highway.

Proviso.

21. Notwithstanding anything in this Act contained, the railway shall not be constructed within the limits of any city except upon and subject to such terms and conditions as may mutually be agreed upon between the company and any street railway or electric railway already operating in such city ; provided always that if the council of such city shall by by-law or resolution request the street railway company or electric railway companies to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city to be named by the city council upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Railway Committee of the Executive Council of Ontario in case the city corporation and the said two companies are unable to agree upon the same.

CHAPTER 88.

An Act respecting The Sandwich, Windsor
and Amherstburg Railway.*Assented to 26th April, 1904.*

WHEREAS the Sandwich, Windsor and Amherstburg Railway; hereinafter called the "Sandwich Company," has been incorporated, and has acquired its rights and powers to operate its railway and to conduct its business under and by virtue of Acts of the Legislative Assembly of the Province of Ontario, being Chapter 64 of the Acts passed in the 35th year of the reign of Her late Majesty, Queen Victoria, chapter 64 of the Acts passed in the 37th year of the said reign, chapter 80 of the Acts passed in the 50th year of the said reign, chapter 94 of the Acts passed in the 54th year of the said reign, chapter 97 of the Acts passed in the 56th year of the said reign, and chapter 62 of the Acts passed in the 61st year of the said reign, chapter 94 of the Acts passed in the 2nd year of His Majesty's reign, and chapter 112 of the Acts passed in the 3rd year of His Majesty's reign; and whereas the Sandwich Company has by its petition represented that under and by virtue of the said Act passed in the 56th year of Her said late Majesty's reign, as amended by the said Act passed in the 2nd year of His Majesty's reign, it would appear that in so far as the borrowing powers of the Sandwich Company are concerned a substantive right to issue bonds to the extent of \$600,000, subject only to the limitation in the said two last mentioned Acts expressed, was provided for, and that doubts have arisen as to whether the said Acts do in effect repeal prior legislation affecting borrowing powers of the Sandwich Company and limiting the borrowing powers to a greater extent than by the said Acts was contemplated; and whereas by the said petition the Sandwich Company has further represented that the City Railway Company, of Windsor, Limited, hereinafter called the "City Company," is a company in Rev. Stat., c. 208. incorporated under the provisions of *The Street Railway Act*, and is a subsidiary company to the Sandwich Company, and owns approximately one and one-half miles of railway trackage within the City of Windsor, which has been operated with the railway of the Sandwich Company as one system, and has acquired

acquired certain rights and powers to operate lines of railway within the City of Windsor and within the territory adjacent thereto; and whereas the Sandwich Company has, by its petition, prayed that an Act may be passed to remove the said doubts and to validate and confirm a certain bond issue and the mortgage securing the said bond issue, and to authorize the Sandwich Company to acquire the franchises, rights, powers and assets of the City Company; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Effect of 56 V.
c. 97, in re-
pealing prior
enactments as
to borrowing
powers.**

1. It is by this Act declared that the provisions of all the said hereinbefore recited Acts passed previously to the passing of the Act, being chapter 97 of the Acts passed in the 56th year of Her late Majesty Queen Victoria's reign, in any way relating to the borrowing powers of the Sandwich Company, were by the said last mentioned Act repealed as if the same had by the said Act been expressly declared to have been repealed.

**Mortgage to
National
Trust Co.
confirmed.**

2. The mortgage dated the first day of December, 1902, made by the Sandwich Company to the National Trust Company, Limited, trustee, duplicate copies of which have been deposited in the office of the Provincial Secretary of the Province of Ontario, and registered in the Registry office, of the County of Essex, and in the office of the Clerk of the County Court, of the County of Essex, securing an issue of bonds of the Sandwich Company amounting to \$600,000, and the said bond issue are hereby confirmed and declared to be valid and binding; subject however, to the limitation that no greater amount of bonds shall be issued than \$25,000 for every mile of railway track constructed or under contract for construction.

**Transfer from
City Comp ny
to Sandwich
Company
authorized.**

3. The City Company may transfer by agreement of lease or sale on such terms as may be agreed upon with the Sandwich Company and the Sandwich Company may acquire the undertakings, rights, franchises, lines, assets and properties real and personal, of the City Company and when so acquired the Sandwich Company may operate the railway so acquired and may exercise all the powers, franchises and rights of the City Company as fully and effectually as the City Company can or may do under its charter of incorporation and its agreements with any municipal corporation or corporations. But no such agreement of lease or sale shall affect the rights of corporations or persons having claims against or contracts with the City Company; and such agreement shall be subject to the rights, positions and powers of any municipal corporation under any statute, by-law, agreement or otherwise; and

and every such claim and contract, and all such rights, positions and powers may be exercised and enforced as against and with respect to the Sandwich Company and the undertakings, rights, franchises, lines, assets and properties so transferred to it in the same manner and to the same extent and as fully as the same could or might be exercised and enforced as against and with respect to the City Company and its undertakings, rights, franchises, lines, assets and properties. But nothing herein contained shall be construed as purporting or intending to confer rights or powers beyond the legislative authority of the Province of Ontario.

4. No agreement made under the authority of the preceding section of this Act shall be binding or shall be acted on ^{Assent of} ~~shareholders.~~

unless and until it is approved of by a vote of shareholders of each of the companies parties thereto, holding at least two-thirds of the shares of the capital stock of such company represented in person or by proxy at a special general meeting of the shareholders of the company called for considering such agreement; but, upon such approval being given by the shareholders of each company, the said agreement shall be valid and binding according to its terms and may be acted upon and carried out.

CHAPTER 89.

An Act respecting the South Western Traction Company.

Assented to 26th April, 1904.

Preamble.

WHEREAS the South Western Traction Company (hereinafter called the Company) has by petition set forth that the company was incorporated under an Act passed in the second year of His Majesty's reign, chaptered 96, and that the bonding powers of the company were limited by the said Act of Incorporation to \$20,000 per mile, and that owing to contracts having been entered into for the building of certain portions of the road which have exhausted the amount of the bonds authorized to be issued for such portions, the authorization of an additional bond issue is necessary for the completion of the construction and equipment of the road; and whereas the company has prayed that the said Act may be amended by increasing the bonding powers of the company; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Section 18 of the Act passed in the second year of His Majesty's reign and chaptered 96, is amended by striking out the figures "20,000" where they occur in the eleventh line of the said section and inserting in lieu thereof the figures "25,000."

² Edw. VII.
c. 96, sec. 18,
amended.

Issue of bonds
to \$25,000 for
each mile of
railway.

CHAPTER 90.

An Act respecting The Strathroy and Western Counties Railway Company.

Assented to 26th April, 1904.

WHEREAS The Strathroy and Western Counties Railway Preamble. Company, hereinafter called "The Company," is under the Act incorporating and relating to the Company, being chapter 99 of the Acts passed in the 56th year of the reign of Her late Majesty Queen Victoria, authorized and empowered to construct and operate a line of railway from the Town of Strathroy, in the County of Middlesex, southerly to a point at or near the City of St. Thomas, in the County of Elgin; and whereas it is desired to extend the time limited for the commencement and completion of its railway, amend the Act incorporating the Company, and authorize an extension of the Company's lines from the said City of St. Thomas to the Village of Port Stanley in the said County of Elgin or to a point on the north shore of Lake Erie in the Township of Southwold or the Township of Yarmouth in the said County of Elgin; and whereas the Company has by its petition prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Company is authorized and empowered to construct, Extension of equip, maintain and operate an extension of its line of railway railway. from a point in or near the City of St. Thomas, in the County of Elgin, to a point in or near the Village of Port Stanley, in the said County of Elgin, or to a point on the north shore of Lake Erie in the Township of Southwold, or in the Township of Yarmouth, in the said County of Elgin; and all the powers and privileges conferred by this Act and the Act incorporating the Company are hereby conferred upon the Company with respect to such extension, and all the provisions of the Act incorporating the Company relating to the issue of bonds on the security of the railway shall apply to such extension.

56 Vic., c. 99,
s. 46, amended. 2. Section 46 of the Acts incorporating the company being chapter 99 of the Act passed in the 56th year of the reign of Her late Majesty Queen Victoria is amended by substituting “\$25,000” for “\$20,000” in the fifth line of the said section.

56 Vic., c. 99,
amended. 3. The said Act is further amended by adding thereto the following as section 51:—

Operations
upon high-
ways by
electricit y.

51. The said railway or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and the provisions therein and in this Act contained and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and as to any portion of the said railway so far as the same may be operated by electricity if constructed over a toll road in the County of Elgin, then also under and subject to agreement between the corporation of the said county of Elgin and the said company; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same; Provided that in the event of the failure of the said company to agree with such municipal corporation or road company as to the terms aforesaid the Railway Committee of the Executive Council of Ontario upon application by the said company or municipal corporation or road company may make such order as to the said Railway Committee shall seem proper and such order shall be binding upon the said company and the said municipality or road company as the case may be.

Rev. Stat., c.
209.
3 Edw. VII.,
c. 19.
Proviso.

1 Edw VII.,
c. 90, sec. 2,
repealed. 4. Section 2 of chapter 90 of the Acts passed in the first year of the reign of His Majesty King Edward VII. is repealed; and, subject to the provisions hereinafter contained, the Company's said Act of incorporation is declared to be and to have continued in force in the same manner as if the said section had not been enacted.

Time for
construction.

5. The said railway shall be commenced within two years and completed within four years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains uncompleted.

CHAPTER 91.

An Act respecting the Thunder Bay, Nipigon and St. Joe Railway Company.

Assented to 26th April, 1904.

WHEREAS the Thunder Bay, Nipigon and St. Joe Rail-^{Preamble.} way Company was duly incorporated by an Act passed in the second session held in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 104, and was thereby authorized to construct, a railway to be operated by steam or electricity from some point at or near the Town of Port Arthur, in the District of Thunder Bay, in a northerly direction to or near Lake Nipigon and thence northerly to some point at or near Lake St. Joseph, in the Province of Ontario, and to construct and operate one or more branch lines of railway, each branch not to exceed twelve miles in length; and whereas the said company have petitioned that their said Act of incorporation may be amended so as to extend the time for the completion of their said undertaking; and to authorize and empower them to construct and operate a line of railway from a point on the said line at or near Carrie Lake, easterly and northerly by the most feasible route to a point at or near Martin's Falls on the Albany River; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of the Act passed in the second session held in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 104, is amended by inserting after the words "Lake St. Joseph" in the seventh line thereof, the words "and from a point on the said line at or near Carrie Lake, easterly and northerly by the most feasible route to a point at or near Martin's Falls on the Albany River; provided that if the railway to be constructed by The Lake Superior, Long Lake and Albany River Railway Company shall be built to the said Martin's Falls, the railway hereby authorized shall

62 Vic.(2)
c. 104,
s. 2 amended.

shall not be constructed nearer than about twenty-five miles to the westward of the said railway where the same passes Tiernan Lake.

Time for
completion of
railway
extended.

2. The time for the completion of the said railway is hereby extended for the period of five years from the date of the passing of this Act.

CHAPTER 92.

An Act respecting the Township of Toronto and the
Toronto and Mimico Railway Company.

Assented to 26th April, 1904.

WHEREAS the Toronto and Mimico Railway Company are Preamble. authorized by chapter 118 of the Acts passed in the third year of His Majesty's reign, to extend their present line of railway amongst other places through the Municipality of the Township of Toronto, in the County of Peel, and are empowered by the said Act to construct the line of railway upon such streets and highways of the said municipality as may be agreed upon between the said municipality and the said company; and whereas an agreement has been entered into between the said municipality and the said company for the construction and operation of the line of railway of the said company along certain streets and highways of the said municipality as therein set out; and whereas a by-law of the said municipality has been passed by the said municipal council of the said municipality authorizing and ratifying the said agreement; and whereas the said municipality has by petition prayed that an Act may be passed legalizing and confirming the said agreement entered into between the said municipality and the said company, and the by-law passed by the council of the said municipality authorizing and ratifying the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Agreement between the Corporation of the Township of Toronto and the Toronto and Mimico Railway Company, bearing date the 27th day of February, 1904, which is fully set forth in Schedule A to this Act, is confirmed and declared to be within the powers of the respective parties thereto, and to be valid, legal and binding for all purposes, to the same extent, and in the same manner as if the several clauses of such agreement were set out and enacted as part of this Act, and By-law No. 672 of the Municipal Corporation of the

Agreement
between
Township of
Toronto and
the Toronto
and Mimico
Railway Co.
confirmed.

the Township of Toronto, as set forth in Schedule B to this Act, is confirmed, and declared to be legal, valid and binding upon the Municipal Corporation of the said Township of Toronto and the ratepayers thereof.

Application
of sec. 136 of
Rev. Stat.
c. 209.

2. Notwithstanding the provisions of clause 21 of the agreement set out in Schedule A hereto section 136 of *The Electric Railway Act* shall apply to the operation of the said railway.

SCHEDULE A.

This Indenture made the 27th day of February in the year of our Lord one thousand nine hundred and four, between The Municipal Corporation of the Township of Toronto, hereinafter called "The Municipality," of the First Part, and The Toronto and Mimico Railway Company, hereinafter called "The Company," of the Second Part.

Whereas the Company has applied to the Municipality for permission to construct, maintain and operate a single or double track electric railway line upon and along the following streets and roadways in the Municipality namely :

1. The road or street in the eastern portion of the Township of Toronto known as the Lake Shore Road and being the road lying between concession II. and III. south of Dundas Street from the east limit of the Township of Toronto westerly to a point on said street or road opposite the eastern boundary of lot 31 in concession III. south of Dundas street.

2. The street or road known as Lake Shore Road in the western portion of the Township of Toronto and being the street or road between concession III. south of Dundas Street and the broken front on Lake Ontario from its eastern terminus on the shore of Lake Ontario westerly to the western limit of the Township of Toronto.

3. The street or road between lots 28 and 29 in concession III. south of Dundas Street connecting the two aforementioned roads or streets or in the alternative to the street or road between said lots 28 and 29, the street or road between lots 30 and 31 in concession III. south of Dundas Street, commonly known as Breedin's line and connecting the aforesaid streets or roads.

And whereas the said Municipality is willing to grant such permission upon and subject to the terms and conditions hereinafter set forth, and the Company and the Municipality have agreed to enter into an agreement with each other in respect thereto.

Now this agreement witnesseth that the parties hereto have covenanted and agreed and by these presents do so covenant and agree, subject as aforesaid each with the other of them as follows :

1. It is hereby understood and agreed that whenever used in this agreement the words "The Municipality," "Municipal Council" and "The Company" shall be deemed to apply and extend to the parties hereto and their successors and assigns respectively, and that the words "Municipal Council" in all cases shall mean "The Municipal Council of the Township of Toronto."

2. In the event of any portion of the said streets or roads at any point or points not being of sufficient width to allow, after allowing ample room for the ordinary highway traffic, of the laying of the Company's tracks thereon under the terms hereof, then the Company shall provide at its own expense private right of way or additional width of roadway upon which the Company's tracks shall be laid and any such additional roadway so provided shall remain the property of the Company at the expiration

expiration of the franchise hereby granted. The Company may at a point west of Port Credit upon the said Lake Shore Road deviate from the highway to a private right of way and may return to the highway at a point further west. Provided that if the parties cannot agree upon the points where such deviation shall commence and end such points shall be settled by two engineers, one to be appointed by the Municipality and the other by the Company, and in the event of their disagreeing, by an umpire to be appointed by them or by the County Judge of the County of Peel on the application of either party, and if either party shall neglect to appoint an engineer for the space of seven days after notice from the other, then the said County Judge of the County of Peel may upon two days' notice appoint an engineer for said purpose, and the decision of such engineer shall be final. Provided that when the Company shall have determined upon and located the route of the line of the railway to be built by it, the Council of the said Municipality may declare that the privileges, rights, franchises and authorities granted by this agreement to the Company shall cease to exist and be at an end, over, along and upon those portions of the streets and roads of the said Municipality, upon, over and along which they have been given authority to lay down, equip, maintain and operate a line of railway, but upon which they have determined not to locate the line of railway to be built by them.

3. The Company shall have, and it is hereby given, the exclusive privilege, right, franchise and authority to lay down, construct, equip, maintain, complete and operate and from time to time renew and repair a single track surface electric railway upon and along the streets and roads above described, subject to the conditions herein contained and not otherwise.

4. The said Municipal Corporation hereby reserves the right to grant the same similar or other rights and privileges upon the other streets or roads of the Municipality than the ones hereinbefore mentioned to any other Companies or persons applying therefor as are hereby granted to the Company and the Company in consideration of this agreement being accepted by the Municipality agree not to oppose the granting upon reasonable terms of the application of any other railway which, with the consent of the Municipality, asks the railway committee or such other body substituted therefor as may have jurisdiction therein for permission to cross the tracks of the Company, the question of the terms of and all details relating to the crossing to be left to the decision of the said committee or such other body as aforesaid.

5. The Company for the purpose of building, maintaining and operating its railway may:

(a) Lay down such tracks, rails, cables, conduits, superstructures and substructures upon and along the streets and roads above described as may be necessary for the Company's single track electric surface railway under this agreement, but shall not raise or lower the grade of any portions or portion of the said streets or roads of the said Municipality without first obtaining the consent of the Municipal Council thereto.

(b) Construct and maintain subject as hereinafter mentioned such piles, wires, substructures and superstructures as may be necessary upon, over, under and along the said streets and roads for the purpose of carrying wires and conducting electricity and supporting the necessary appliances for operating and maintaining the Company's railway, but such wires when carried above ground shall not be strung at a less height than sixteen feet above the top of the rail.

(c) Construct and maintain and from time to time repair and enlarge all such works and all such stations, buildings, platforms and conveniences, and construct, put in and maintain such culverts, switches, tracks, turnouts and sidings subject as hereinafter mentioned as may from time to time be found necessary for the building, maintaining and operating of the Company's railway, or for the purpose of leading to or from any track allowance or rights of way of the Company on lands adjacent to the streets or roads aforesaid where the Company's railway deflects from or runs otherwise than on the streets or roads, or to the Company's power

power house or car sheds, and the Company may from time to time subject as hereinafter mentioned alter the location of such culverts, turnouts or sidings, but no culvert, turnout or siding shall be constructed or altered by the Company without providing a proper outlet for water approved of by the engineer of the Municipality.

6. All work done under the authority of this agreement, whether so specified in the agreement or not, shall be done in a good workmanlike and proper manner according to the then best existing modern practice, and under and subject to the supervision and approval of the Municipal Council.

7. The tracks of the Company shall be of the same gauge as the present gauge of the Company's tracks or such gauge as is hereinafter provided for, and the rails shall be of rolled steel, weighing not less than fifty-six pounds to the yard, and of the "T" pattern, and the rolling stock and attachments to such rolling stock, including fenders, and the works of the Company shall be constructed and maintained in the most modern style and according to the best modern practice and suitable and convenient for the purposes for which said railway is operated and with due regard to the safety of the public.

8. The tracks and rails of the Company laid on any travelled portion of the streets or roads shall conform to the grade of the streets or roads upon which it is placed, and the top of the rails shall be laid level with the crown of the street or road, and so as to cause the least possible impediment to the ordinary traffic of the street or road, and when so laid on the travelled portion of the street or road the space between the rails and for twenty-four inches on each side of the rails shall be filled in with gravel, cinders or other suitable material, and when not on the travelled portion of the streets or roads between the rails shall be crowned transversely, and the whole roadbed within the Municipality shall be well ballasted with suitable material, and the Company shall thereafter keep such tracks, roadbed, ballasting, crowning and filling in in good order and repair, and at the intersection of the Company's railway with all cross streets or roads in the Municipality which are now or which may hereafter be established or opened the Company shall construct and keep in good and sufficient repair fit and proper crossings over said railway and tracks of the full width of the said cross streets or roads between the drains or ditches on either side thereof, and at all and every private crossing or entrance to private property or lands across the Company's railway and tracks whether now established or necessary for the convenient use of the owner or owners of such private property or lands the company shall construct and keep in good and sufficient repair fit and proper crossings over their said railway and tracks for the use of the said owners of a width of at least sixteen feet, and shall subject to the approval of the Municipal Council being first had and obtained provide, extend and maintain such culverts, drains, waterways and ditches with proper outlets as are now or may hereafter at any time be found necessary, and upon the reconstruction or necessary maintenance of any existing culverts, drains, waterways and ditches the same shall to the extent of the Company's tracks and for twenty-four inches on each side thereof be done by and at the expense of the Company, and where new culverts are rendered necessary by the Company's works, the Company shall construct and maintain in good repair at its own expense all such new culverts, drains, ditches and waterways.

9. The Company shall, as soon as they make running arrangements with connecting railway lines, or as soon as they obtain an entrance for their cars into the City of Toronto, change the gauge of its tracks to such gauge as is now or may be hereafter adopted as the standard electric railway gauge, or to such other gauge as may be in use on the railways or tramways in the City of Toronto, and may with the consent of the Municipal Council change the nature or style of the rails and all such changes, alteration or alterations shall be made in a proper, substantial and workmanlike manner, and according to the then best modern practice, and the building, constructing and operating of the said railway and the making of such changes or alterations shall not unnecessarily or vexatiously

tiously interfere with the public travel on the said streets and roads.

10. The construction and operating of the proposed line of railway on the said streets and roads shall not be made until the plans therefor showing the positions of the tracks, poles, turnouts, switches and sidings, and the gradients thereof upon the same shall have been submitted to and approved of by the Municipal Engineer and Council, and a certified copy thereof duly filed with the Clerk of the Municipality.

11. The plans of alignment, grades and cross sections of the grades shall be shown upon the Company's plan for deposit with the Municipal Clerk, as above mentioned, and shall be first approved of by the Municipal Council and Engineer.

12. The Company hereby agrees to pay to the Municipality all the fees, charges and expenses of the Municipal Engineer for all services performed by him in supervising the construction of the Company's line of railway and services performed or to be performed under the terms hereof, and also agrees to pay to the said Municipality all the costs, fees, charges and disbursements which the said Municipality may have paid, or may have become liable for to their solicitor in connection with the negotiations leading to the making of this agreement and in connection with this agreement and the by-law authorizing the execution hereof and incidental thereto.

13. If the Municipal Council shall at any time or times desire to alter the grade or otherwise improve or repair any portion or portions of the said streets and roads upon which the Company may have constructed its rails, roadbeds or any part thereof, or for the purpose of repairing drains, culverts, crossings or doing any work, or for taking up or laying down any gas, water or other pipes or mains, or for any other purpose which now is or may hereafter be within the province and privileges of the licensee or licensees shall require to take up part of the streets or roads licensee or licensees shall require to take up part of the streets or roads used under the terms hereof, the Municipal Council shall give to the Company seven days' previous written notice of such desire, and the Municipality or its licensee or licensees shall at the expiration of such time have the rights to remove such necessary part of the track, roadbed, poles and other works, doing no unnecessary damage, and shall so soon as possible replace and restore the same and the Municipality shall not be liable for any loss which the Company may have incurred or sustained by reason of the obstruction of the traffic caused thereby, and the Municipality agrees with the Company that the Municipality's work or the work of its licensee or licensees in the premises shall be begun, continued and completed with all due speed and diligence and with due regard to the convenience and workings of the Company. Provided that nothing herein contained shall prevent the Council of the said Municipality upon and as a condition of granting to any licensee or licensees any of the privileges aforesaid, from stipulating that there shall be paid to the Company by such licensee or licensees reasonable compensation for the obstruction aforesaid.

14. The Company may at its own expense and upon providing suitable outlets and upon first having obtained the consent of the Municipal Council thereto, construct new culverts for its own and the public use under the said streets or roads or any of them, but the maintenance of any such new culverts shall be by and at the expense of the Company and the construction of any new culverts and outlets and the use or misuse of any of the now existing or any future culverts shall not be in such a manner as to damage adjoining owners or their properties.

15. The Company are subject to the approval of the Municipal Council hereby authorized to construct and operate switches from their line on the said roads or streets into any farm, factories or other places that it may be necessary to do so for the fit and proper reception of freight and may operate upon the said line and switches all such ordinary freight cars as may be necessary for the transportation of all freight offered or tendered the company.

16. The cars of the Company shall be entitled to the track, and any person, horse or vehicle upon the tracks of the said Company shall turn out

out when a car comes up so as to leave the track unobstructed and anyone placing an obstruction on the track except as authorized by this agreement or the driver of any vehicle refusing to turn out when requested or signalled by the conductor or motorman of any car shall be liable to a penalty not exceeding ten dollars and the costs of prosecution upon conviction before any two Justices of the Peace in and for the County of Peel, and such penalty may be imposed for every day that such obstruction may continue, but the imposition of any penalty under this agreement shall not relieve the person or persons causing such obstruction from liability for damages or from any other penalty imposed by law.

17. After the construction of the railway it shall not be in active operation within the Municipality until its roadbed, appliances, switches, turn-outs and crossings upon the said streets or roads shall have been first inspected and approved of in writing by the railway inspector or other officials appointed or who may be appointed to inspect railways under the provisions of The Railway Act of Ontario, The Electric Railway Act, or under any other Act relating thereto or by the Engineer and Council of the Municipality.

18. The Company shall commence the construction of their said tracks, plant and works within the Municipality on or before the 1st day of May, A.D. 1904, and shall have the same fully complete and finished and ready for operation as a single through track line of railway connecting with the Company's present system and suitable and in proper condition for the due carrying of passengers and freight as far as the Village of Port Credit, on or before the 1st day of January, A.D. 1905, and along the remaining extent of the streets and roads of the Municipality (or the deviation permitted therefrom) upon which the Company is authorized by this agreement to construct and operate their said line, on or before the 1st day of January, A.D. 1907.

19. This agreement and the rights, privileges and franchises, hereby granted, shall cease to exist and become ipso facto void and at an end by the Company not having fully completed and ended the building of their said line to the Village of Port Credit by the 1st day of January, A.D. 1905. Provided that notwithstanding sections 18 and 19, that the Council of the said Municipality may from time to time, by resolution, extend the times hereby limited for the commencement, completion and operation of the said line of railway to Port Credit.

20. The Company shall pay to the Municipality, for its own use, as liquidated damages for not having fully completed and ended the building of its line of railway along the whole length of the streets and roads of the Municipality (or the deviation permitted therefrom) over which it is authorized to build its line by this agreement by the 1st day of January, 1907, the sum of \$500, and for not having fully completed and ended the building thereof by the 1st of January, 1908, a further sum of \$1,000, and for not having fully completed and ended the building thereof by the 1st day of January, 1909, a still further sum of \$1,000, unless it has, prior to any of the said respective dates, extended its said line westward from Port Credit and effected a junction with the proposed line of the Toronto and Hamilton Railway Company or some other railway company with connections into the City of Hamilton at a point west of the Village of Clarkson. At any time after the 1st day of January, 1910, the Council of the Municipality may by resolution declare the privileges herein granted at an end in so far as the same relate to such portion of the railway within the Municipality, as shall not have been at the time of the passage of such resolution, constructed by the Company or its assigns.

21. The Company shall upon the completion of their line to Port Credit and to the western limit of the municipality or to a junction with the Toronto and Hamilton or some other railway at a point west of Clarkson, operate its system by giving a regular daily service of at least four trains per day each way all along the length of its said line between its two termini at such hours and times as shall best suit the public convenience and so as to best meet the wants of the residents and others desirous of travelling by the said railway.

22. (a) The passenger cars used by the Company shall be of the most modern and approved pattern in use on railways similar to that of the Company, and all trains of the Company shall be furnished with at least one water closet suitably fitted for the comfortable use of passengers travelling thereby.

(b) The cars used by the Company during the winter months (namely from the 1st day of November in each year until the 1st day of May in the succeeding year) shall be of such a character as to admit of being properly heated and shall during the whole of such winter months be properly and comfortably heated.

(c) All cars used by the Company shall be suitably and properly lighted.

23. The speed of cars upon travelled portions of the highway shall not in any case exceed twenty-five miles per hour and each car shall be numbered and identified by large figures.

24. The Company may use its tracks and rolling stock for the conveyance of passengers, freight, goods, merchandise, mail and express matter.

25. The Company's passenger cars shall stop to take on and let off passengers at such convenient points as may from time to time reasonably be directed by the Municipal Council.

26. The Company shall erect at the intersection of each of the side lines or cross streets or roads in the Township of Toronto with the street or road upon which the Company's lines are constructed, and at the village of Port Credit, a suitable platform and building to be used by the public desirous of travelling by the said railway, which said building shall be walled in, roofed over and properly lighted by windows, and provided with sufficient suitable seats to accommodate the public using the same.

27. All motormen of the Company's trains or cars in every case where any of them see that horses travelling or being driven or ridden along the highway are frightened or are likely to take fright at the Company's trains or cars shall immediately stop the trains or cars being operated by them respectively, and render all the assistance in their power to the person or persons in charge of such horse or horses to regain control of and quiet them, and all motormen of the Company's train or cars in every case where a herd or flock of horses, cattle, pigs or sheep are being driven along the said streets or roads shall slow up their cars or car sufficiently to enable them to pass the said herd or flock without danger of causing damage to them or any portion of them in case any of the herd or flock or a portion of them neglecting through fright or other cause to keep off the tracks of the Company and out of the way of the said car or cars, provided that for each and every infraction of any of the provisions of this section the motorman, in addition to any damages that the Company may be civilly liable for to persons damaged thereby, shall be liable to a fine of not less than \$4.00 and not exceeding \$25.00 and costs, which fine or fines shall be recoverable in a summary manner by information before any Justice of the Peace in and for the County of Peel in such manner as fines are recoverable under and by virtue of The Summary Convictions Act, by distress of the goods and chattels of the offender, and in default of distress to imprisonment in the common jail of the County of Peel for a period not exceeding thirty days unless such fine and costs, together with the costs of distress and conveyance to jail, are sooner paid.

28. The Company shall have the right to remove from its track all accumulations of ice and snow, provided however that any snow or ice shall not be placed upon the road so as to constitute a danger to the travelling public or other persons using such road in such a manner as streets, roads or highways are ordinarily used and all such snow and ice, if removed from the Company's tracks, shall, if placed upon the public roads or highways, be spread evenly thereon, but in no case to exceed two feet in depth, including such snow as may have naturally fallen on those portions of the said streets or roads where the snow removed from the Company's tracks is spread.

29. For each and every breach of paragraph 28 hereof caused by the Company removing snow or ice from its track allowance and placing the same upon the road or highway so as to constitute a danger to the travelling public or other persons using such road or by spreading snow or ice thereon to an extent exceeding two feet in depth, the Company shall be liable to a fine of not less than \$4.00 and not exceeding \$20.00 and costs, which said fine shall be recoverable in a summary manner by information by the Road Commissioner or his appointee appointed in pursuance of By-law No. 378 of the said Municipality or amendments thereto or substitutions therefor and conviction before any Justice of the Peace in and for the County of Peel in such manner as fines are recoverable under and by virtue of The Summary Convictions Act and by distress and sale of the goods and chattels of the Company, and no appeal shall lie from the decision of any such Justice of the Peace in any such case as aforesaid.

30. The Company shall supply itself with the best modern appliances for operating and keeping open their said line during snowstorms and stormy weather and shall use the same to the best of its ability to keep its line from becoming blocked by snow or if blocked shall open the same as soon as can reasonably be done by the use of the best modern appliances.

31. In the event of the Company neglecting to keep its tracks, track allowance, ways, crossings, grades, ditches, culverts, approaches, plant, building and all other of their works upon the said roads in good condition according to the terms and true intent hereof or to make all necessary repairs, renewals, amendments or betterment, the Municipality may give ten days' notice in writing, setting out specifically what is required in the nature of repairs, renewals, amendments and betterments and if, after the expiration of the time stated in said notice, the repairs, renewals, amendments and betterments are not made, the Municipality may make such repairs, renewals, amendments and betterments and for that purpose may enter in and upon the Company's tracks, track allowance, ways, approaches, plant, building and works and all expenses, costs and charges paid or incurred by the Municipality shall be forthwith paid to the Municipality by the Company.

32. The rights and privileges granted by this agreement to the Company to construct and operate its line, plant and works upon the roads of the Municipality shall, subject to the other provisions of this agreement, continue and exist for a term of twenty-five years from the said 1st day of May, A.D. 1894, and shall be renewable for the further successive terms of twenty-five years each from the termination of the said term of twenty-five years upon terms and conditions and provisos to be agreed upon between the Municipality and the Company, and in case an agreement as to the whole or any of the terms, conditions, or provisos of the agreement of renewal (including revision of rates and payment of a percentage of the earnings of the Company to the Municipality) cannot, at the expiration of any such term of twenty-five years, be arrived at between the Municipality and the Company then the terms, conditions and provisos of the said agreement of renewal or any of them upon which the Municipality and Company cannot agree shall be settled by arbitration by a single arbitrator to be appointed under Revised Statutes of Ontario, 1897, Chapter 62, or under any general Act respecting arbitrations then in force.

33. The Company shall issue special resident's return tickets to residents of the Municipality good for three days from the date of issue, entitling them to travel upon the railway of the Company between the points and for the terms mentioned hereinafter, namely:

From the Rifle Ranges to Sunnyside and return.....	20 cents.
From Port Credit to Sunnyside and return.....	25 cents.
From Lorne Park to Sunnyside and return.....	30 cents.
From Clarkson to Sunnyside and return.....	35 cents.
From Western boundary of Toronto Township to Sunnyside and return.....	40 cents.

34. The Company hereby agrees to construct, maintain and operate its undertakings hereunder in the manner and subject to the terms, and upon the conditions in this agreement set out, and will faithfully do, perform, fulfil and keep all the conditions, covenants, provisoies and agreements herein expressed and contained, on the Company's part, to be done, performed, fulfilled and kept, and it is the spirit and intention hereof to provide in each respect for a first-class single track surface electric railway, and that no omission of specific requirements to this effect shall, in any case, be construed in any way to invalidate this general requirement or to excuse the non-performance of any duty on the part of the Company.

35. The Company for itself, its successors and assigns, covenants, promises and agrees with the Municipality to perform all and everything, act, promise, condition, or proviso, which is herein stated or agreed to be done or performed by it, according to the true intent and meaning thereof.

36. It is further understood and agreed that if at any time during the currency of this agreement or of any renewal thereof, the said railway shall cease to be operated for a period of one month (strikes, the acts of God or the King's enemies excluded) then the Municipal Council may upon giving fifteen days' notice in writing to the Company declare the franchise forfeited and void unless such default shall meanwhile be remedied.

37. The Company may during the continuance of this agreement or any renewal thereof operate the said undertakings by any improved system of propulsion other than the trolley system, upon first having obtained the consent thereto of the Municipal Council, but in no case shall the Company be deemed to be empowered to use steam as a motive power.

38. In regard to any works to be made, done or performed under the terms herof, the Municipality and its officers and engineer shall not arbitrarily, vexatiously or unwarrantably withhold the granting of any certificate of approval required under the provisions hereof and the Municipality and its officers and engineers shall in all respects and in so far as is consistant with its and their duty, facilitate the Company in carrying out the provisions hereof.

39. The Company shall and will at all times hold, save and keep harmless and indemnified the Municipality from all damages, liabilities, actions, causes of action suits, claims and demands including damages to lands injuriously affected by the construction or operation of the railway for injuries to persons or property by reason of the construction or operation of the railway, or for causing the death or injury to any any person, or for any other thing in the construction, operation or management of the railway or by reason thereof, or of the existence of the Company's rails or plant upon the public highway, or for any breach by the Company of this contract.

40. The rights, privileges and franchises hereby granted are not intended to and do not give the Company the right to use any of the Bridges of the Municipalities upon the roads and streets upon which the Company are granted the said rights, privileges and franchises.

41. The Company may subject to the terms of this agreement, sell their line to or amalgamate with the Toronto and Hamilton Railway Company, Metropolitan Railway Company, Toronto and York Radial Railway Company, Toronto Suburban Railway Company, or the Toronto Railway Company, but shall not, without the consent of the Municipality, amalgamate with or enter into any contract or agreement with any person or corporation other than the said Companies, or one or more of them, whereby their existence shall become merged in that of such person or corporation or whereby such other person or corporation shall obtain control of the Company, nor shall the Company assign, transfer, or set over this agreement or any of the benefits, rights and privileges hereby granted to any other person or corporation other than the said Companies or one or more of them without the consent of the municipality.

42. Whenever any differences or dispute arises between the Company and the Municipality in regard to the construction of this agreement or one or more of the terms hereof or of any portion hereof or in regard to the rights and liabilities of the parties hereunder, and whenever there

is any difference or dispute between the Municipality and the Company as to whether the Company has done, performed or observed any of the Acts things, obligations, terms, conditions or provisoos contained in this agreement, the same shall be settled by arbitration, and in all and every such case and also whenever any matter, thing or dispute is referred by this agreement to be settled by arbitration and no other mode of arbitration is hereby provided, the arbitration shall take place before a single arbitrator who shall be the Judge or Senior Judge, if there be more than one Judge thereof, of the County of Peel at the time of such arbitration, with the right of either party to appeal from the award of such Judge to the Court of Appeal for Ontario, and the decision of the said Court of Appeal shall be final and not appealable therefrom.

43. The Company shall never ask or apply for, nor shall they ever accept or receive, directly or indirectly, from the Municipality or any portion or section thereof, any bonus or remission from taxation on account of the building or operation of their said line, or in connection with or on account of the same in any manner whatsoever.

44. The Company shall be liable to pay to the Municipality such taxes as may by virtue of any Assessment Act or other law from time to time in force be payable by the Company to the Municipality and the Company shall for the purpose of such taxes be deemed to be a public school supporter.

45. In addition to the duties and obligations imposed upon the Company by these presents they are to be subject to any obligations imposed upon them by any Acts of the Legislative Assembly of the Province of Ontario or of the Parliament of Canada relating to railways of the description of that of the Company and not inconsistent with the provisions hereof which may be in force from time to time, and the inclusion herein of all or any of the terms hereof shall not be taken by implication to free the Company from the carrying out or performance of any duties or obligations imposed by such Act or Acts, although such duties or obligations may not be made obligatory upon the Company hereby.

In witness whereof the parties hereto have caused these presents to be executed by their respective proper officers in that behalf, and have caused their respective corporate seals to be attached hereto.

Signed, Sealed and Delivered
in the presence of

JOSEPH BURTON, Corporate
Reeve. Seal.

CHARLES H. GILL,
Clerk.

The Toronto and Mimico
Railway Company.
By JAMES GUNN,

Vice-President.
NICOL KINGSMILL,
Secretary.

Corporate Seal
of the
Toronto and
Mimico Railway
Company.

SCHEDULE B.

By-Law Number 672 of the Municipal Corporation of the Township of Toronto.

Whereas the Toronto and Mimico Railway Company has applied to the Municipal Corporation of the Township of Toronto for permission to construct, maintain and operate a single or double surface electric railway line along certain streets and roads of the said Municipal Corporation.

And whereas the said Municipal Corporation has agreed to grant the said request upon certain terms and conditions.

Now

Now therefore be it and it is hereby enacted by the Municipal Council of the Municipal Corporation of the Township of Toronto.

1. That the Toronto and Mimico Railway Company is hereby given and granted the privilege, right, franchise and authority to lay down construct, equip, maintain, complete, operate and from time to time repair and renew a single surface track electric railway upon the streets and roads of the said Municipal Corporation of the Township of Toronto set out in an agreement between the said Toronto and Mimico Railway Company and the Municipal Corporation of the Township of Toronto bearing date the 27th day of February, A.D. 1904, upon the agreements, covenants, terms, conditions and provisoies contained in the said agreement which is contained in Schedule A hereto which is hereby incorporated in and declared to be a part of this by-law.

2. The said agreement contained in Schedule A hereto is hereby approved of and ratified by and on behalf of the said Municipal Corporation.

3. The Reeve and Clerk of the Municipal Corporation of the Township of Toronto are hereby authorized and directed to execute the said agreement and the Clerk of the said Municipal Corporation is directed to attach the seal of the said Corporation to the said agreement.

Passed this 27th day of February, A.D. 1904.

JOSEPH BURTON,

Reeve.

CHARLES H. GILL,

Clerk.

Corporate Seal

of the Mun-

cipal Corpora-

tion

of the

Township of Toronto.

CHAPTER 93.

An Act respecting The Toronto Railway Company.

Assented to 26th April, 1904.

Preamble.

WHEREAS The Toronto Railway Company has by its petition set forth that it is incorporated under 55 Victoria, Chapter 99, and that it is desirous of obtaining legislation for the purpose hereinafter mentioned ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Toronto Railway Company, hereinafter called "the Company,"

(a) May form a reserve fund out of any of the surplus earnings of the company, and may from time to time add thereto out of such earnings ;

(b) May take, or otherwise acquire and become the owner of shares, bonds, debentures, debenture stock and other securities of any of the following companies, namely, The Toronto and Mimico Railway Company, The Toronto and Scarborough Electric Railway Light and Power Company, (Limited). The Metropolitan Railway Company, The Schomberg and Aurora Railway Company and The Toronto and York Radial Railway Company ;

(c) May from time to time loan its credit to or guarantee the bonds, debentures, debenture stock or other securities or obligations of all or any of said companies, upon such terms as may seem expedient.

2. The powers conferred by section 1 may be exercised from time to time by resolution of the Board of Directors, and every guarantee authorized by subsection (c) of said section 1, executed on behalf of the Company under the authority of any resolution of the Board of Directors, shall be binding on the Company ; provided that the authority to invest in the stocks aforesaid shall, unless such approval has already been obtained, only be exercised after such investments shall be sanctioned by the vote of not less than two-thirds in value

Company
authorized to
form reserve
fund out of
surplus earn-
ings.

Authority to
invest in stocks
bonds etc., of
other compa-
nies.

Authority to
guarantee
bonds etc., of
other compa-
nies.

Powers con-
ferred may be
exercised by
Board of
Directors.

Proviso.

of the shareholders of the Company as may be present in person or represented by proxy at any annual meeting of the Company or at a special general meeting to be called for that purpose.

3. The Act passed in the 55th year of the reign of Her ^{55 Vic., c. 99,} late Majesty Queen Victoria, and chaptered 99, incorporating ^{amended.} The Toronto Railway Company, is amended by adding there-to the following section :—

29. In the event of the said company neglecting or refus-<sup>Penalty for
default in
service.</sup> ing to give a service of cars reasonably complying with the provisions of the said agreement and conditions, the company shall in addition to any other remedies provided by law be liable to pay to the city for such neglect or refusal the sum or sums of \$100 for each day they shall so neglect or refuse, which sum or sums may be recovered in an action by the said corporation in any court of competent jurisdiction. Such sums or amounts are hereby declared to be in the nature of liquidated damages and shall be so held in any action for the recovery thereof ; provided that the provisions of section ^{46 Proviso.} 46 of the conditions forming part of the schedule to said Act shall not apply to any such neglect or refusal ; provided ^{Proviso.} further that any neglect or refusal caused by fire, strikes, civil commotion, the act of God or the King's enemies, shall not be within the provisions hereof.

4. Neither this Act nor anything authorized to be done <sup>Rights of city
at termination
of franchise
not affected.</sup> thereunder shall prejudice or affect the rights of the Corpora-tion of the City of Toronto to take over the property of the said Company as provided in the Act incorporating the Com-pany and the agreement and other documents made schedules thereto.

CHAPTER 94.

An Act respecting The Toronto Suburban Railway Company.

Assented to 26th April, 1904.

Preamble.

WHEREAS The Toronto Suburban Railway Company hereinafter called "the Company," has, under the various Acts incorporating and relating to the Company, constructed and is now operating in the Town of Toronto Junction and adjoining municipalities certain portions of the lines of railway by the said Acts authorized; and whereas by chapter 91 of the Acts passed in the first year of the reign of His Majesty King Edward VII., the company was authorized to extend its line of railway to some point in or near the City of Hamilton; and whereas it is desired to extend the time limited for the construction of other portions thereof, to authorize further extension of the company's lines from the City of Hamilton to the Town of Niagara Falls, in the County of Welland, to construct branch lines and to amend the various Acts relating to the company; and whereas the company by its petition has prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of
railway to
Niagara Falls
and other
points.

1. The company is authorized and empowered to construct, equip, maintain and operate extensions of its line of railway from a point in or near the City of Hamilton, in the County of Wentworth, to some point in or near the Town of Niagara Falls, in the County of Welland, passing through the said City of Hamilton, the Townships of Barton and Saltfleet, in the County of Wentworth, the Townships of Grimsby, Clinton and Gainsborough, in the County of Lincoln, and the Townships of Pelham, Thorold and Stamford, in the County of Welland, with a branch from a point on the line of railway already constructed in or near the Village of Weston, or some point between the Village of Weston and the north limit

limit of the Township of York to the Village of Woodbridge in the County of York, and also from a point on the line of railway already constructed in or near the Village of Weston or the Village of Lambton Mills, to the Town of Brampton, in the County of Peel, and also from a point on the line of railway hereby authorized in the Township of Thorold to the City of St. Catharines, in the County of Lincoln, passing through or near the Town of Thorold'; and also from the said point in the Township of Thorold to the Town of Port Colborne, in the County of Welland, passing through or near the Town of Welland, in the County of Welland, and to equip, maintain and operate such branches or extensions, but the Company shall not have power to lay out or construct any railway track upon or along any portion of Burlington Beach, in the said County of Wentworth, without the consent by by-law of the municipal council of the Township of Saltfleet; Provided that nothing in this section contained shall be deemed to prohibit the Company from running or operating its cars over any line of railway heretofore constructed upon or along any portion of the said Burlington Beach, under any agreement which the Company may lawfully enter into with any other company.

Proviso.

2. Subject to the provisions of this Act the Company shall have and enjoy and be entitled to all the rights, powers, privileges and advantages and shall be subject to the duties, liabilities and obligations of every nature and kind conferred and imposed upon the Company by Chapter 91 of the Acts passed in the first year of the reign of His Majesty King Edward VII or otherwise with reference to all matters necessary for the construction, equipment, maintenance and operation of the said branches or extensions in as full and ample a manner as if the said branches or extensions had been a part of the undertaking of the Company authorized by the said Act or otherwise.

3. Section 45 of chapter 91 of the Acts passed in the first year of the reign of His Majesty King Edward VII. shall apply to the operation of the extension of the line of the said company authorized by this Act.

4. Section 44 of the Act passed in the first year of the reign of His Majesty, King Edward VII., chaptered 91, is amended by adding at the end of the first line thereof the words and figures "numbers 2 and 3" and by inserting after the figures 39 in the second line thereof the words and figures "42 and 47 to 50."

5. Section 31 of the Act passed in the first year of the reign of His Majesty, King Edward VII., chaptered 91, is amended.

amended

amended by substituting “\$30,000” for “\$20,000” in the eighth line of the said section.

Power to
transfer to
The Toro to
and Hamil on
Railway Co.

6.—(1) The Company may transfer by agreement, lease or sale, on such terms as may be agreed on, to the Toronto and Hamilton Railway Company and the Niagara, St. Catharines and Toronto Railway Company or either of them its undertakings, rights, franchises, lines, assets and properties, real and personal, but no such transfer, agreement, lease or sale shall prejudice or affect the rights of creditors or persons having claims against or contracts with the Company, and shall be subject to the rights, positions and powers of any municipal corporation under any statute in force affecting the said companies or either of them or any by-law, agreement or otherwise, and every such claim and contract and all such rights, positions and powers may be exercised and enforced as against and with respect to the Toronto and Hamilton Railway Company and the Niagara, St. Catharines and Toronto Railway Company and the undertakings, rights, franchises, lines, assets and properties so transferred to it in the same manner and to the same extent and as fully as the same could or might be exercised and enforced, as against and with respect to the Company and its undertakings, rights, franchises, lines, assets and properties, but nothing herein contained shall be construed as purporting or intending to confer rights or powers beyond the legislative authority of the Province of Ontario.

Approval of
shareholders
of both com-
panies.

(2) No agreement made under the authority of this Act shall be binding or shall be acted on unless and until it is approved of by a vote of shareholders of each of the companies parties thereto holding at least two-thirds of the shares of the capital stock of such company, represented in person or by proxy at a special meeting of the shareholders of the company, called for considering such agreement, but upon such approval being given by the shareholders of each company, the said agreement shall be valid and binding according to its terms and may be acted upon and carried out.

Right to
deviate from
highway.

reviso.

7. The Company may at any point or points where its railway may run along the highway deviate from such highway to a right of way owned by the Company, provided that no obstruction of such highway shall be made by such deviation, but if the rails on such deviation do not rise above or sink below the surface of the road more than one inch they shall not be deemed an obstruction; Provided that the right by this section conferred shall not be exercised by the Company until the consent of the council of the municipal corporation having jurisdiction over the highways has first been obtained; or, if such consent has been refused, or has not been given within two months from the filing of a written application therefor with the clerk of the municipality, then until the approval of the Railway Committee of the Executive Council of

of Ontario has first been obtained, and the said Railway Committee may, on application of the Company, order that the said Company may make such deviation.

8. Notwithstanding any provision to the contrary in any other Act, the Company's railway may cross the railway of any other company upon a level therewith, with the consent of such other company or with the authority of the Board of Railway Commissioners for Canada, or of the Railway Committee of the Executive Council of Ontario, as the case may be; but nothing in this section shall be construed as purporting or intending to confer rights or powers on the Company, or the Railway Committee of the Executive Council of Ontario, not within the legislative authority of the Province of Ontario.

9. Section 49 of chapter 91 of the Acts passed in the first year of the reign of His Majesty King Edward VII is repealed and the following substituted therefor:—

49. The time for the building and completion of the Company's lines of railway and branches or extensions heretofore or hereby authorized, is hereby extended to the first day of January, 1909.

1st Edw. VII,
c. 91. s. 49,
repealed.

Time for com-
p'letion.

CHAPTER 95.

An Act respecting The Windsor, Essex and Lake Shore Rapid Railway Company.

Assented to 26th April, 1904.

Preamble.

WHEREAS The Windsor, Essex and Lake Shore Rapid Railway Company (hereinafter called the company) incorporated by an Act of the Legislature of Ontario, passed in the first year of His Majesty's reign, chaptered 92, has by its petition prayed that an Act may be passed increasing its capital stock from \$500,000 to \$1,000,000, and that the shareholders have power to further increase the said capital stock to such amount as they see fit; and have further prayed that permission be granted to extend its line of railway from its present terminus at the unincorporated Village of Wheatley, in the County of Essex, thence in a north-easterly direction passing through the southerly portions of the Townships of Romney, Tilbury East, Raleigh and Harwich in the County of Kent, to a point at or near the unincorporated Village of Cedar Springs in the said Township of Harwich, thence in a north-westerly direction through the said Townships of Raleigh and Harwich to a point at or near the City of Chatham; or an alternative route from a point at or near the said unincorporated Village of Wheatley, thence in a northerly direction passing through the Townships of Mersea, Tilbury West and Tilbury North in the County of Essex and the Townships of Romney and Tilbury East and the Village of Tilbury in the County of Kent, thence in a north-easterly direction passing through the said Township of Tilbury East and the Township of Raleigh in the said County of Kent to a point at or near the said City of Chatham; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Edw. VII
c. 92, s. 5,
repealed.

1. Section 5 of Chapter 92 of the Acts passed in the 1st year of His Majesty's reign, intituled *An Act to incorporate The*

The Windsor, Essex and Lake Shore Rapid Railway Company is repealed and the following substituted therefor :—

5. The capital stock of the company shall be \$1,000,000 to Capital stock. be divided into 10,000 shares of \$100 each.

2. The capital stock of the company may be further increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy of at least two-thirds in amount of all the shareholders at a meeting of them expressly called for that purpose by the directors by a notice in writing to each shareholder, served on him personally or mailed, properly directed, to him at his last known post office address at least twenty days previous to such meeting, stating the time and place and object of such meeting, and the amount of increase ; and the proceeding of such meeting must be entered on the minutes of the proceedings ; and thereupon the capital stock may be increased to the amount sanctioned by such vote.

3. The company is authorized and empowered to survey, lay out, construct, make, build, complete, alter, and keep in repair a railway with necessary turn-outs, and switches to be operated by electricity with single or double iron or steel tracks from its present terminus at the unincorporated Village

of Wheatley in the County of Essex, thence in a north-easterly direction passing through the southerly portions of the Townships of Romney, Tilbury East, Raleigh and Harwich in the County of Kent to a point at or near the unincorporated Village of Cedar Springs, in the said Township of Harwich, thence in a north-westerly direction through the said Townships of Raleigh and Harwich to a point at or near the City of Chatham ; or an alternative route from a point at or near the said unincorporated Village of Wheatley, thence in a northerly direction passing through the Townships of Mersea, Tilbury West and Tilbury North in the County of Essex and the Townships of Romney and Tilbury East and the Village of Tilbury in the County of Kent, thence in a north-easterly direction passing through the said Township of Tilbury East and the Township of Raleigh in the said County of Kent to a point at or near the said City of Chatham ; and the said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein, and in this Act contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways ; and the said company may make and enter into any agreements with any municipal corporation or road company as to

Rev. Stat.,
c. 209,
3 Edw. VII.,
c. 19.

to the terms of occupancy of any street or highway subject to the provisions and conditions contained in *The Electric Railways Act* and in *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same.

Original Act
of incorporation
to apply
to extension
of railway.

4. Subject to the provisions of this Act all the terms and clauses of the original Act of incorporation, and any amending Act or Acts shall apply to the said extension in as full and ample a manner as if the said extension had been part of the original undertaking of the company.

Time for com-
mencement,
and comple-
tion of
extension.

5. The extension shall be commenced within two years and be completed within five years from the passing of this Act.

CHAPTER 96.

An Act to incorporate The Windsor and Tecumseh Electric Railway Company.

Assented to 26th April, 1904.

WHEREAS Chandler Merrill Walker, superintendent, Edgar Francis Ladore, shipping clerk, John Henry Coburn, esquire, all of the Town of Walkerville, in the County of Essex; and Franklin McKennan Ohl, gentleman, and Willis Fletcher Brown, civil engineer, both of the City of Toledo, in the State of Ohio, have by their petition prayed for an Act of incorporation under the name of "The Windsor and Tecumseh Electric Railway Company," for the purpose of constructing and operating by electricity, compressed air or any other motive power approved by the Railway Committee of the Executive Council for Ontario, except steam, a railway from some point in or near the City of Windsor to a point in or near the unincorporated Village of Tecumseh, in the Township of Sandwich East, in the County of Essex, passing through the Town of Walkerville and the said Township of Sandwich East; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Chandler Merrill Walker, Edgar Francis Ladore, John Henry Coburn, Franklin McKennan Ohl and Willis Fletcher Brown, and such other persons, firms and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Windsor and Tecumseh Electric Railway Company." Incorporation.
2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and line, operate by electricity, compressed air or any other motive power approved by the Railway Committee of the Executive Council for Ontario, except steam, and from time to time alter, remove and change a double or single track, iron or steel railway of the gauge of four feet eight and one-half Location of line.

one-half inches, with all necessary branches, switches, side-tracks and turn-outs for the passage of cars, carriages, motors and other vehicles adapted to the same, from some point in or near the City of Windsor to a point in or near the unincorporated Village of Tecumseh, in the Township of Sandwich East, in the County of Essex, passing through the Town of Walkerville and the said Township of Sandwich East. The said railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements made or hereafter to be made between the said company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same.

Rev. Stat.,
c. 209.
3 Edw. VII.,
c. 19.

Capital Stock. 3. The capital stock of the company shall be \$200,000 divided into 2,000 shares of \$100 each.

Provisional
Directors.

4. The said Chandler Merrill Walker, Edgar Francis Ladore, John Henry Coburn, Franklin McKennan Ohl and Willis Fletcher Brown, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Head office.

5. The head office of the company shall be at the Town of Walkerville, in the County of Essex, and all meetings of the provisional board of directors of the said company shall be held at the said Town of Walkerville.

Number of
directors.

6. The number of directors shall not be less than five and not more than nine.

Date of
annual
meeting

7. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the Company.

Calls.

8. The directors of the company may from time to time make such calls of money on the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they deem necessary, and at least thirty days' notice shall be given of each call, and no call shall be made at any one time of more than twenty-five per cent. of the amount subscribed by each shareholder, or be made at a less interval than one month from the previous call.

9. Aliens and companies incorporated abroad as well as Rights of British subjects and corporations may be shareholders of the ^{aliens.} company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

10—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law. Issue of preferential stock.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant-Governor may if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise, they shall as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

(5) Nothing in this section contained or done in pursuance thereof, shall affect or impair the rights of creditors of the company.

(6) The directors of the company may, for the purposes of cancelling such preference stock or parts thereof, from time to time with the consent of the subscribers thereto or holders thereof pass by-laws providing for the purchase or acquisition by the company of such stock or parts thereof, and for the cancellation of the stock so purchased or acquired, and for the reduction *pro rata* according to the amount of stock so cancelled of any reserve set apart, or required to be set apart, in respect of such preference stock, but no such by-law shall be valid or acted upon unless and until the same has been sanctioned.

sanctioned by a vote of at least two-thirds in value of the shareholders of the company present in person, or represented by proxy, at a special general meeting duly called for considering the same, and unless and until such by-law has been confirmed by supplementary letters patent.

(7) At any time not more than three months after the sanction of such by-law by the shareholders as aforesaid, the company may petition the Lieutenant-Governor in Council, through the Provincial Secretary, for the issue of supplementary letters patent to confirm the same. With the petition, the company shall produce the by-law and establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by him to report thereon, the due passage and sanction of the by-law and the *bona fide* character of the same, and thereupon the Lieutenant-Governor in Council may by supplementary letters patent confirm the by-law, and may with the consent of the Board of Directors of the Company, by the supplementary letters patent add such terms and conditions thereto as to him may seem proper, and thereupon from the date of the supplementary letters patent the by-law with such added terms and conditions, if any, shall be valid and may be acted upon. Notice of the issue of supplementary letters patent shall be given by the Provincial Secretary in *The Gazette*.

Construction
of line by
sections.

Rev. Stat.
c. 209.

11. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained; and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*; and to deposit the same as required by the clauses of the said *Electric Railway Act* and amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railway all and every of the clauses of the said *Electric Railway Act*, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of the said railway had been taken, made, examined, certified and deposited according to

to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to plans and surveys. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

12. Whenever any section of the said railway of not less than five miles has been completed the company may give to the Railway Committee of the Executive Council for Ontario a notice as to it similar to that required by section 87 of *The Electric Railway Act*, and unless ordered as provided by section 89 of the said Act to postpone the same, may open and operate such section as if it were a completed road, and all the sections of the said Act applicable thereto shall thereupon apply to the said section as if it were a completed road and to its operation.

13. The said company shall have all the borrowing powers conferred by the provisions relating thereto in *The Electric Railway Act*, and may issue bonds, debentures and other securities as therein provided to an amount not exceeding \$20,000 for each mile of the railway, and the power of issuing such bonds, debentures or other securities may be exercised from time to time, as said sections of five miles or over are opened, to the amount of \$20,000 a mile for each mile so opened, although twenty per centum of the authorized capital may not have been then actually expended; and when said twenty per centum has been actually expended on the work of the said railway then the company shall have all the powers relating to the issue of bonds, debentures and securities conferred by *The Electric Railway Act*, and to the said limit or amount of \$20,000 per mile of the railway.

14. The company may secure the bonds, debentures or other securities hereby authorized to be issued, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

15. Any municipality through which the said railway passes and having jurisdiction in the premises may, subject to the provisions and conditions contained in this Act, *The Consolidated Municipal Act, 1903*, and any Act or Acts amending the same, and subject also to the terms of, and unless

unless restricted by any agreement lawfully entered into between any such municipality and any other railway or street railway company, pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any road company, and if such highways be in the possession of or under the control of any road company, then also with the consent of and subject to the conditions imposed by such road company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may, from time to time, deem expedient with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

Directors em-
powered to
pay in stock.

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway, or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid-up stock, and may pay or agree to pay in paid-up stock or bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid-up of the total capital stock of the company then issued and outstanding, at a general meeting of the shareholders specially called for the purpose of considering such matters, and the stock so acquired by any person shall for all purposes be deemed to be paid up in cash.

Special rates
for fruit, milk,
etc.

17. The company may make uniform special rates for the storage and carriage of fruit, milk and other perishable freight.

Collecting
back charges.

18. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due,

due, and shall be subrogated by such payment in all the rights and remedies of such person for such charges.

19. The company shall have power to agree for connections and make running arrangements with The Sandwich, Windsor and Amherstburg Railway, The Grand Trunk Railway Company of Canada, The Lake Erie and Detroit River Railway Company, The Canadian Pacific Railway Company, The Ontario Traction Company, Limited, or any one or more of said companies, or any other company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act, or any of them, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies, or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding according to the terms and tenor thereof; and the company purchasing, leasing or entering into such agreement for using the said railway may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act; provided that *Proviso.* electric power, compressed air, or any other motive power approved of by the Railway Committee of the Executive Council of Ontario, except steam, only shall be used in operating any portion of the said railway or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has been first obtained thereto.

20. The company may, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, enter into an agreement or agreements with any street railway or electric railway company or companies lawfully authorized to enter into any such agreement,

Agreements
with street
railway or
electric rail-
way company
for lease or
purchase.

agreement, and authorized to construct and operate a street or electric railway or railways in one or more of the said municipalities, for acquiring by lease or purchase the undertakings, rights, franchises, lines, assets and properties real and personal of such company or companies, and for issuing paid-up stock of the company hereby incorporated in payment or part payment therefor; provided that no such agreement shall be entered into unless and until the consent thereto of the corporation of the municipality or municipalities having jurisdiction in that respect has been first obtained, and provided that no such agreement shall affect the rights of persons having claims against or contracts with such company or companies so leasing or selling; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

**Exemptions
from
municipal
assessments.**

21. It shall be lawful for the corporation of any municipality through any part of which the undertaking of the company passes or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

**Level
crossings.**

22. Notwithstanding any provision to the contrary in any other Act the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Board of Railway Commissioners for Canada or of the Railway Committee of the Executive Council for Ontario, but nothing in this section shall be construed as purporting or intending to confer rights or powers on the said company or the Railway Committee of the Executive Council for Ontario not within the legislative authority of the Province of Ontario.

**Expenses of
Act.**

23. The directors are hereby authorized to pay out of the moneys of the company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized.

**Time for com-
mencement
and com-
pletion.**

24. The undertaking hereby authorized shall be commenced within two years and put in operation within five years after the passing of this Act, and in default thereof the powers

powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

25. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Electric Railway Act and of every Act in amendment thereof so incorporated with this Act.

26. Notwithstanding anything contained in this Act or in any statute of the Province, no municipality shall have the power to grant to the said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in the said municipality.

27. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of said railway, or to sell or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council or any special committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

28. Notwithstanding anything in this Act contained the railway shall not be constructed within the limits of any city except upon and subject to such terms and conditions as may mutually be agreed upon between the company and any street railway or electric railway already operating in such city; provided always, that if the council of such city shall by by-law or resolution request the street railway company or electric railway company to allow its tracks or any of the city streets to be used for the entrance of the railway to be constructed under this Act into such city, the company shall permit its tracks or any city streets to be so used to some central point in the said city, to be named by the city council, upon such terms and conditions as to compensation and otherwise as may be mutually agreed upon between the company authorized by this Act to construct a railway, the city corporation and such street railway or electric railway company, or as shall be settled and determined by the Lieutenant-Governor in Council in case the city corporation and the said two companies are unable to agree upon the same.

CHAPTER 97.

An Act respecting The Canadian Casualty and Boiler Insurance Company.

Assented to 26th April, 1904.

Preamble.

WHEREAS The Canadian Casualty and Boiler Insurance Company was, by Letters Patent, dated the 7th day of March, 1903, incorporated under and pursuant to *The Ontario Insurance Act*, and has by its petition prayed that it be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to insure against sickness.

Rev. Stat.,
c. 203.

1. In addition to the powers contained in the letters patent of incorporation bearing date the seventh day of March, 1903, issued under *The Ontario Insurance Act* to The Canadian Casualty and Boiler Insurance Company (hereinafter called "the company,") the company may undertake and effect contracts of insurance of the person with any person against sickness, subject as hereinafter enacted.

Insurance of the person prohibited except insurance against sickness and accident.

2. Except contracts of insurance against sickness as authorized by this Act, and except also contracts of insurance against accident as authorized by the said letters patent, the company shall not undertake or effect, nor offer to undertake or effect any contract of insurance of the person including among other contracts hereby prohibited any annuity or insurance on life, or any contract of endowment insurance or tontine, or any contract under which any money or benefit becomes due or payable by the company in the event of death, or on the expiration of a term, or on the attainment of a certain age, or on disability from old age, or on permanent disability from any cause.

Company not to insure on assessment system.

3.—(1) The company shall not undertake or effect, nor offer to undertake or effect any contract of insurance whatsoever on the assessment system.

(2) The premium or valuable consideration receivable by the company for any contract of insurance whatsoever shall consist solely of a sum certain, due at the commencement of the contract or at any annual renewal thereof: Provided that the said premium may, by agreement, be payable in half-yearly or quarterly instalments.

(3) The company shall not be operated as, nor be, a friendly society, and shall not establish any lodge or any similar organization.

4. In respect of the sickness insurance hereby authorized, the initial deposit to be made by the company under *The Ontario Insurance Act* shall be \$5,000.

5.—(1) *The Ontario Insurance Act* shall apply to the company as fully as to any company deriving its powers solely from that Act.

(2) For purposes of any financial statement required to be made by the company under *The Ontario Insurance Act*, the liability of the company in respect of any of its unexpired insurance contracts shall be the unearned premium computed as at the date of such statement.

(3) The following words and phrases in this Act shall respectively have the same meanings as the same words and phrases have in *The Ontario Insurance Act*: “Insurance;” “Contract;” “Benefit;” “Premium;” “Lodge;” “Friendly Society;” “Assessment System;” “Endowment Insurance;” “Initial Deposit;” “Unearned Premium;” “Insurance of the Person;” “Undertake or Effect;” “Offer to Undertake or Effect.”

Premium to
be a sum
certain, etc.

Company not
to be a friend-
ly society or
establish
lodges.

Initial deposit
to be \$5,000.

Rev. Strt.,
c. 203.
Ontario
Insurance Act
to apply.

Liability of
company on
unexpired
contracts.

CHAPTER 98.

An Act to further extend the powers of the
Consumers' Gas Company of Toronto.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Consumers' Gas Company of Toronto have petitioned for authority to increase the capital stock of the said company to meet the requirements of the rapidly increasing population of the City of Toronto, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Increase of
capital stock
authorized.

1. It shall be lawful for the company to add to their present authorized capital stock an amount not exceeding \$1,500,000, divided into shares of \$50 each, provided that such increase of capital stock shall be first agreed upon by a majority of the votes of the shareholders present at any annual general meeting or meetings, or at any special meeting or meetings called from time to time for that purpose.

Stock may be
issued in
parcels.

2. It shall not be obligatory upon the company to sell, at one time, the whole amount of stock authorized by this Act, but the company may, from time to time, limit the number of shares to be offered for sale to such an amount as may be from time to time agreed and decided upon by a majority of votes of shareholders present at any general or special meetings of the shareholders as aforesaid called for that purpose.

Notice of
meetings.

3. The notice of any special meeting or meetings of the shareholders of the company called by the directors of the company in pursuance of this Act may be given by inserting a notice, specifying the time, place and object of such meeting in at least two daily newspapers published in the City of Toronto in each issue thereof during the three weeks next preceding the day fixed for such meeting.

Stock to be
sold by public
auction.

4. All shares to be issued under the provisions of this Act shall be sold by public auction after three weeks' notice in two of

of the daily newspapers published in the City of Toronto, and after the company has given the Mayor of the City of Toronto three months' notice of its intention to offer for sale any of the said shares, such shares to be put up in lots of ten shares each.

5. All surplus realized over the par value of the shares sold, as hereinbefore set forth, shall be added to the rest or reserve fund of the company, and the limit, as heretofore authorized, of the said rest or reserve fund shall be enlarged by the amount of such surplus and no more; the true intent and meaning being that the company may at all times have and maintain a rest or reserve fund equal to, but not exceeding, the amount of one-half of the then paid-up capital stock of the company for the first \$2,000,000 of the said capital stock, together with the amount of the surplus realized over the par value of all shares then sold out of the \$1,500,000 capital stock by this Act authorized.

6. The shares of such increased stock shall be paid in, to-
gether with the premiums (if any) thereon, by such instal-
ments and at such times and places and under such regulations
as the directors may from time to time appoint.

7. This Act is to be read with and as if forming a part of the Act passed in the 50th year of the reign of Her late Majesty, Queen Victoria, chaptered 85, and intituled *An Act to further extend the powers of the Consumers' Gas Company of Toronto*, and, except in so far as the same are inconsistent herewith, all the provisions of the last mentioned Act are confirmed and are declared to apply in every respect to the additional capital stock and increased rest or reserve fund hereby authorized and the same are to be read with this Act.

CHAPTER 99.

An Act to confirm an agreement between the Water Works Commission of the City of St. Catharines, the Corporation of the said City of St. Catharines, and the Hamilton Cataract Power Light and Traction Company, Limited, and to confirm certain municipal by-laws relating to the company.

Assented to 26th April, 1904

Preamble.

WHEREAS the Hamilton Cataract Power Light and Traction Company, Limited, has by petition represented that a certain agreement bearing date the 30th day of December, 1903, was entered into by the said company and the Water Works Commission of the City of St. Catharines and the Corporation of the said City of St. Catharines relating to certain changes in the hydraulic development of the said company affecting the water works system of the said City of St. Catharines, a copy of which agreement is set forth in Schedule A to this Act; and whereas in and by the said agreement the parties thereto covenanted and agreed to join in petitioning the Legislature for an Act to validate and confirm the same; and whereas a by-law was duly passed on the 15th August, 1903, by the Corporation of the Township of Grantham in the County of Lincoln providing for the closing up of a portion of the town line between the Township of Grantham, in the County of Lincoln and the Township of Thorold, in the County of Welland on the terms and conditions in the said by-law contained, the said by-law being set forth in Schedule B to this Act, and being By-law No 134 of the said Township of Grantham; and whereas a certain by-law was passed by the Municipal Council of the Township of Thorold in the County of Welland on the 15th day of August, 1903, providing for closing a portion of the said town line between the Township of Grantham in the County of Lincoln and the Township of Thorold in the County of Welland, and a portion of the road allowance between lots 40 and 41 in the Township of Thorold in the County of Welland, and for opening in lieu of the road so closed a public road 66 feet wide on parts of lots 40 and 41 in the Township of Thorold in the County of Welland on the terms and conditions mentioned

mentioned and set forth in the said by-law, the said by-law being By-law No. 11 of the Township of Thorold and being set forth in Schedule C to this Act; and whereas notices were duly posted up and published before the passing of the said by-laws respectively in accordance with the provisions of *The Consolidated Municipal Act, 1903*, in that behalf; and whereas the Corporation of the County of Lincoln by By-law No. 440 passed by the municipal council of the said Corporation of the County of Lincoln on the 3rd day of December, 1903, and set forth in Schedule D to this Act duly ratified and confirmed the said By-law No 134 of the Corporation of the Township of Grantham pursuant to the provisions of *The Consolidated Municipal Act, 1903*, in that behalf; and whereas the Corporation of the County of Welland by By-law No. 755 passed by the municipal council of the said County of Welland on the 4th day of December, 1903, and set forth in Schedule E to this Act ratified and confirmed the said By-law No. 11 of the Corporation of the Township of Thorold pursuant to the provisions of *The Consolidated Municipal Act, 1903*, in that behalf; and whereas the Municipal Corporation of the Township of Thorold by By-law No. 14 passed on the 10th day of November, 1903, and set forth in Schedule F to this Act authorized the said company to make certain proposed changes in their hydraulic system for the purpose of creating and maintaining storage reservoirs or basins and to establish and maintain the same along and across certain sections of certain townships roads as in the said by-law more particularly described; and whereas the said company accepted the terms of the said by-law and duly agreed to be bound by and comply with the provisions thereof; and whereas the said company has by its petition prayed that the said agreement set forth in Schedule A to this Act and the several by-laws of the Corporations of the Townships of Grantham and Thorold and the Counties of Lincoln and Welland as set forth in the said schedules to this Act may be validated and confirmed and the Municipal Corporations of the said Townships of Grantham and Thorold have by their petitions respectively also prayed that the said by-laws may be confirmed; and whereas it is expedient to grant the prayers of the said petitions;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The Agreement set forth in Schedule A to this Act bearing date the 30th day of December, 1903, between the Water Works Commission of the City of St. Catharines of the first part, the Corporation of the City of St. Catharines of the second part, and The Hamilton Cataract Power Light and Traction Company, Limited, of the third part, is confirmed

Agreement of
30th Dec.,
1903, declared
valid and
binding.

firmed and declared to be valid and binding on the parties thereto ; and the said parties thereto are empowered to do all acts necessary to give effect to the same or to carry out the true intent and meaning of the provisions thereof.

By-laws in
Schedules B,
C, D, E and
F confirmed.

2. The said by-laws set forth in the said Schedules B, C, D, E and F are ratified and confirmed and declared valid and binding on the said several municipal corporations which passed the same ; and the said municipal corporations are declared to have had power to pass the said by-laws respectively, and to enter into all agreements set out in the said by-laws : and the said by-laws are declared to be and to have always been since the passing of the same legal, valid and existing by-laws of the said municipal corporations respectively passing the same.

Company to
convey portion
of hydraulic
canal to city.

3. The said company shall convey to and vest or cause to be vested in the Corporation of the City of St. Catharines that portion of the company's present hydraulic canal and the proposed extension thereof which are mentioned and described in paragraphs 4 and 5 of the said agreement, set forth in Schedule A hereto, subject to the terms, reservations and conditions in the said agreement mentioned and expressed, and if the consent of the trustees for the bondholders to the vesting of the said canal and extension in the said Corporation as aforesaid and the release by the trustees of the said canal and extension canal from the mortgages held by the said trustees be given when the said company's new hydraulic system, as described in the said agreement shall be completed and in operation to the satisfaction of the trustees, such consent and release when so given shall, subject to the next succeeding section hereof, be a sufficient compliance with the terms of the said agreement in that behalf, and the said trustees under the said mortgages dated 1st September, 1899, and 1st April, 1903, are hereby authorized and empowered to give such releases.

Rights of com-
pany to cease
in case of
default.

4. It is hereby declared that in the event of the said company failing for any reason whatever to complete the proposed new hydraulic works mentioned and contemplated by the agreement set forth in said Schedule A to this Act on or before the 1st day of June 1905, according to the true intent and meaning of the said Agreement, or in case the trustee or trustees for the bondholders of the said company shall not on or before the said 1st day of June, 1905, have delivered to the Corporation of the said City of St. Catharines a release of the said present hydraulic canal and the said extension canal referred to in clause 4 of said agreement from all mortgages held by the said trustee or trustees so that the ownership or proprietorship in the said present canal and extension canal shall be and become fully vested in the said City Corporation according to the true intent and meaning of the

the said agreement, then and in either of such cases any and all rights or privileges which the said City Corporation and the Water Works Commission granted or extended or might be held under the terms of said agreement to have granted or extended to the said company thereby shall wholly cease and determine and the legal rights, positions and powers of the said City Corporation and the Water Works Commission and of the said company, respectively, shall be and remain the same as if the said agreement had not been entered into, unless the Council of the said City Corporation shall by resolution thereof for good cause shown by the said company, consent that further time should be given for the performance or happening of the said events or either of them, and such consent shall be given by said Council from time to time at the request of the company if the company shall have proceeded with its work with reasonable expedition.

5. All powers heretofore conferred upon the company may Powers of
so faras applicable be exercised by the company in carrying company apply to
out the extensions and works in the said agreements and extension.
by-laws herein referred to.

SCHEDULE A.

This agreement made this thirtieth day of December, A.D. 1903, between the Water Works Commission of the City of St. Catharines in the County of Lincoln (hereinafter called "Commission"), of the first part, the Corporation of the said City of St. Catharines (hereinafter called "City"), of the second part, and the Hamilton Cataract Power, Light and Traction Company, Limited (hereinafter called "Company"), of the third part.

Whereas the said Company is enlarging its power producing capacity at its power house in the Township of Grantham, and having obtained from the Government of the Dominion of Canada a lease of an increased supply of water from the Lake Erie level of the Welland Canal at or about Allanburg, contemplates making changes in its hydraulic system of canals and storage basins between Allanburg and the brow of the Mountain at the point where its water supply is conducted by means of steel pipes down to the Company's turbines in the said power house in the Township of Grantham.

And whereas negotiations have for some time past been in progress between the Company and the City and Commission with reference to certain changes in the Company's system of conducting the said water supply from Allanburg to the mountain brow, which changes would be of mutual advantage to the Company and the public of the City of St. Catharines as represented by the City and Commission.

And whereas the arrangement hereinafter set forth is undoubtedly in the interest of all parties.

Now therefore these presents witness:—

- That during the construction by the Company of its enlarged works, the City shall be furnished with an ample supply of water into its reservoir or valve house or both from the Company's present canal of a like quality to that now supplied at Higgins' Weir under lease from the Department of Railways and Canals, at a suitable point to be agreed upon between the Company's and the Commission's engineers, it being agreed by the Company that such supply of water shall be kept free from

any impairment by reason of the Company's works or operations, and the Company expressly agrees that if the said supply is impaired or interfered with by reason of the works or operations in connection with the said alterations or extensions of the Canal system of the Company, the Company will forthwith if requested by the Commission desist from the prosecution of such works and operations. A cast iron pipe 24 inches in diameter to be laid in a permanent manner from Lake Gibson, so called, to connect with the city supply pipe in the valve house, said pipe to be fitted at upper end with proper screens and valve, which valve shall be at all times under the sole regulation and control of the Commission, said pipe to be used at any time by the Commission should it be necessary from any cause to take the supply from said source; said pipe to be constructed by the Company, subject to the approval of the Commission, and to be and remain the property of the city for its sole use and benefit thereafter.

2. It is hereby agreed that the Company may construct over the Beaver Dam Creek at or about the upper extremity of the St. Catharines Water Works Upper Reservoir marked point "B" on the Company's plan of 3rd July, 1908, a suitable dam for the purpose of sufficiently raising the level of the impounded water to suitably feed the Company's lower length of Canal, such dam to be of substantial construction, and in such case the Company will construct a separate and independent feeder drawing its water supply from the Lake Erie level of the Welland Canal at Allanburg to be delivered at or near a point marked on the Company's map as "Iron Pipe Culvert" on lot 97 near the old Welland Canal and shall also construct at or near this point a small weir discharging into the Company's present Canal from the new works, such weir to be of sufficient dimensions to pass at least 9,000 cubic feet of water per minute, which amount of water shall at all times be allowed to pass into the Company's present Canal. The Company agrees to divert all freshet water from the drainage area above the proposed dam away from the City Waterworks basin on the Beaver Dam Creek below said dam.

3. The company shall keep the said present canal in thoroughly suitable condition for its proposed new purposes, and in order to more fully protect the quality of the water supplied to the city, the Company shall provide (by culverts or otherwise) means to intercept and carry off, and shall not permit the drainage of any barnyards or lands adjacent thereto either at the present or in the future to be delivered into the present canal that may affect the quality of water supplied the City and at points in the Canal where basins (which may affect the quality of the water supplied the City) are formed larger than the cross section necessary to carry the amount of water specified, the Company shall fill in the said basins and bring the canal at all points to conform to the cross section adapted for the continuous flow of the current, thereby doing away with any possibility of the formation of vegetable growth or other detrimental matter; the said canal and all other portions of the work affecting the quality and condition of the water delivered wholly or in part to the City to be under the inspection at any time of the officers of the Commission, and the Company shall take all necessary precautionary measures by itself for the proper protection of the supply, and shall when so called to do by the Commission or its executive officers abate or remove any conditions or matter affecting the supply in a detrimental manner.

4. The Company will acquire title in fee to the land necessary and required for and will construct an extension of the present canal using like precautions to maintain the purity of the water as specified in Clause 3 of this Agreement sufficient to carry and for the purpose of carrying 3,600 cubic feet of water per minute from the point to be known as "C" and hereinafter defined down to a point to be agreed on by the Company and the Commission below the dam to be constructed by the Company as aforesaid, the line of route, elevation and manner of construction of the said extension canal to be in all respects satisfactory to the Commission. The said point "C" shall be a point to be designated by the Commission at or near the weir above the upper end of the Company's present aqueduct over the Beaver Dam Creek. The Company, its successors or assigns will forever maintain the said extension canal, and all Weirs

weirs, sluices and accessories in connection therewith in a thoroughly suitable and efficient condition for its proposed purposes and from time to time cause all necessary repairs to be done to the same upon notice from the City or Commission.

5. The Company shall convey to and vest or cause to be vested in the Corporation of the City of St. Catharines in perpetuity free and clear and discharged from all liens, mortgages, bonded and other liability or indebtedness of the Company whatever the ownership or proprietorship in the Company's said present hydraulic canal as the same now exists and is operated for the power purposes of the Company and all lands, easements, works, dams, sluices, conduits and accessories used in connection therewith or as appurtenant thereto from the point of commencement thereof or where the Company's present water supply from the Welland Canal feeder is discharged into or received by said hydraulic canal down to the said point "C," and also the ownership or proprietorship in the extension of said canal provided for and referred to in clause 4 of this agreement and the Act of the Legislative Assembly of the Province of Ontario validating this Agreement shall declare accordingly; subject, however, to the right of the Company, its successors and assigns to maintain and operate for all time a crossing through the said present canal of the Company's proposed new canal leading up to the projected outlet from the Welland Canal at a point above the outlet supplying the present feeder at Allanburg, and to carry the water supply of the company, its successors and assigns, across and through the said present canal, the point of crossing being shown on the said map at or near the point thereon marked "Iron Pipe Culvert," such crossing through the said present canal to be at the level of the said present canal and not interfering with the supply of water which the City is entitled to receive under the terms of this agreement. The consent of the trustees for the bondholders to the vesting of said present canal and extension Canal in the City as aforesaid shall be a condition precedent to the right of the Company to begin or perform any work under this agreement or to take any step or to do any act thereunder.

6. The said Company, its successors or assigns, shall forever keep and maintain the said present canal in a thoroughly efficient condition and as suitable and efficient as it is at the present time, for conducting throughout its entire length the said volume of 9,000 cubic feet of water per minute, and will at all times allow the said quantity of water to pass down the said canal from the point of crossing in the fifth paragraph hereof mentioned.

7. The Company, its successors or assigns, shall be entitled to the use and possession of the said present canal for the purposes of the Company, subject to the terms of this Agreement and the obligations hereby imposed upon the Company so long as the Company shall fully comply with, observe and perform all the terms, conditions and stipulations of this agreement, and so long as the works of the Company shall be kept and maintained in a thorough state of efficiency for the purposes of the Company, its successors and assigns, and enabling the Company to fully and completely carry out the terms of this agreement.

8. The City shall be entitled to the use and possession of the said canal in any of the following events:—

(a) Upon the neglect or failure of the Company, its successors or assigns, to substantially comply with any of the terms, conditions or stipulations of this agreement.

(b) Upon the commencement of the winding-up of the Company, its successors or ass'ns, under the provisions of any Act of Canada, or of the Province of Ontario, respecting the winding up of Joint Stock Companies.

(c) Upon the entering into, assuming or taking possession by any creditor or creditors or trustee or trustees, for such creditor or creditors, whether by way of mortgage, bond, debenture or other lien of the works, property or assets of the Company, its successors or assigns, or any part or portion thereof.

(d) Upon the commencement of any action, suit or proceeding at law by any creditor or creditors or trustee or trustees for such creditor or creditors, whether by way of mortgage, bond, debenture, or other lien against

against the Company, its successors or assigns, claiming or having for its object the obtaining or delivery of possession of the works, property or assets of the Company, its successors or assigns, or the sale or disposal thereof.

(e) Upon the breaking or bursting of a dam to be constructed by the Company under the provisions of clause 2 of this agreement.

(f) Upon the neglect or failure of the Company, its successors or assigns, to operate its works and property as a going concern for the space of one month.

9. The Company shall construct at or about the said point "C" a suitable weir for the purpose of discharging into the said extension canal from the said present canal the said quantity of 3,600 cubic feet of water per minute which said weir shall be permanently under the control of the Commission.

10. The Company shall also construct at or about the said point "C" a weir for the purpose of discharging the surplus water from the said present canal into the proposed lake or for diverting when requested by the City or Commission all the water brought down by said present canal into the proposed lake during any repairs that may become desirable in the future.

11. The Company shall place through its dam in such position and at such depth as shall be acceptable to the Commission a suitable pipe with valves and screens to enable the City to take its supply of 3,600 cubic feet of water per minute from the proposed new lake, such valves to be placed in permanent control of the Commission.

12. The Company hereby agrees to supply permanently to the City and Commission from any or all of the sources hereinbefore indicated at the option of the Commission the amount of 3,600 cubic feet of water per minute, being the amount of water which the City now holds or is entitled to under lease from the Department of Railways and Canals that is to say, 3,000 cubic feet of water per minute, and the amount to which the City is entitled as the estimated supply from the drainage area of the Beaver Dam Creek, as shown by the report of Thomas Munro, C.E., under date of June 10th, 1875, that is to say, 600 cubic feet of water per minute. It is understood and agreed that the Commission may from time to time change the source from which the said supply of water shall be derived or may take the same partly from one source and partly from another, as it shall see fit. If at any time in the future the said supply of 3,600 cubic feet of water per minute shall become insufficient for the needs of the City of St. Catharines for water works purposes, then and in such case the Company, its successors or assigns shall deliver to the City or Commission from any or all of said sources such additional quantity of water as shall be required.

13. The City and Commission shall grant the Company its successors and assigns the perpetual use of such part of the lands owned by the Corporation at the point selected for said dam as may be necessary for said dam and its necessary structures, foundations and supports and the use of such lands below the actual site of said dam, as may be required in connection with the operation thereof and also the use and occupation of any lands above the dam along the present shore lines of the Beaver Dam Creek so long as the Company, its successors or assigns shall maintain a dam at the said point; but the Company shall relieve the City and the Commission from all liability in respect of municipal taxes or rates in respect of said lands.

14. The Company agrees at all times to use its influence and best efforts to assist the City and Commission in any effort to prevent the water flowing through the Welland Canal from becoming polluted and unfit for domestic use.

15. The Company also agrees to co-operate with the City and Commission for the purpose of securing a transference by the Department of Railways and Canals of the St. Catharines water supply from Higgins' flume to the Company's separate and independent feeder, to be constructed by the Company at Allanburg. The St. Catharines lease when renewed shall be concurrent with the Company's lease and renewals thereof, and at the present annual rental paid by the City. This Agreement shall not come into

into force and effect nor shall the Company be entitled to take any step or do any act thereunder until the said transference from the Department of Railways and Canals is obtained as aforesaid and a lease to the City from the Department is executed for the term and in the manner aforesaid, or until a letter or notice from the proper officer in that behalf of the Department of Railways and Canals for Canada shall have been received by the City stating that such transference will be made and such lease issued.

16. In the event of it becoming necessary for the City of St. Catharines to obtain a supply of sufficiently pure water from Lake Ontario or other source by reason of the water flowing through the Welland Canal becoming polluted and unfit for domestic use the Company agrees to furnish and deliver to the City or Commission free of all cost (other than cost of necessary right of way for such purpose and taxation thereon) at any point which may be designated by the Commission within the limits of the City of St. Catharines or within four miles of the said City such an amount of power as may be needed up to the amount of 500 effective electrical horse power for use in pumping a supply of water for the said City or for the purposes of the said Commission in connection with the operation of a filter plant stand pipe or other work directly connected with the City water supply, but no portion of said 500 horse power shall be used for other than water works purposes, except a reasonable amount for lighting the pump station, but whether any change in the said system of supply be made or not the Company, its successors or assigns shall supply so much power as may be required for the operation of a filter plant, stand pipe or other work directly connected with the City water supply.

17. The Company agrees that all works mentioned in the Agreement, and all other work in the permanency of which the said City is interested shall be done in such manner as to meet with the approval of a leading civil engineer to be consulted by the Commission so soon as copies of the plans of such works are furnished to the Commission, and the Company shall not commence any portion of the work covered by this Agreement until such plans have been submitted to and approved of by such engineer and the City and Commission shall have the right to consult such engineer from time to time as the Company's work progresses for such approval as aforesaid, all the fees of such engineer to be paid by the Company upon the request of the Commission, and that the said work shall be for all time maintained by the Company, its successors or assigns in the best and most efficient state of repair, at the Company's expense.

18. It is agreed that the Company shall at all times save harmless and indemnify the City and the Commission of and from all loss, damage or expense caused by or consequent on the construction of the said dam or by the breaking or bursting thereof or from leaks therein caused by or consequent on the construction of any other part of its proposed enlarged works, and that if by reason of the breaking, bursting or giving way of the said dam or by reason of the breaking, bursting or giving way of any other part or portion of the Company's hydraulic works, any damage or injury whatever shall be caused to the property or works of the City or Commission, then and in every such case and when and so often as such damage or injury shall or may happen, the Company will at once proceed to repair such injury or damage and restore said property and works of the City or Commission and also the Company's property and works to their former condition of repair and efficiency.

19. It is agreed that the City and Commission shall at all times have the right to inspect the dam to be constructed as aforesaid for the purposes of ascertaining if the same is in a safe and efficient condition for its proposed purposes, and if at any time the said dam shall in the opinion of a leading civil engineer to be appointed for that purpose by the City or Commission be or become unsafe or inefficient then and in any such case the Company, its successors or assigns shall upon notice by the City or Commission forthwith proceed to put the same in a safe and efficient condition, to the satisfaction of such leading civil engineer.

20. It is agreed that if at any time hereafter the City shall under the terms of this agreement assume or take possession and use of the said present canal, then and in any such event the Company, its successors

successors or assigns, will abrogate in favor of the City its rights to any supply of water from the Welland Canal at the point on the said Canal at which its supply to the said present canal is now received or will abrogate such rights in favor of the City so far and to such an extent as will enable the City if it shall so desire to receive its supply of water for water works purposes at said point.

21. The parties hereto covenant and agree to join in a petition to the Legislature at the next Session thereof for an Act to validate and confirm this Agreement, the costs and expenses of the application for such Act to be borne by the Company.

22. All necessary expenses in any way incurred in the preparation, execution and ratification of this agreement shall be paid by the Company.

23. The Company hereby agrees to pay to the City and Commission respectively all costs, fees and disbursements heretofore incurred by said City and Commission in or by reason of any action at law to enjoin the said City and Commission from the carrying out or completion of any proposed agreement between the Company and the City and Commission in respect of the matters herein contained or referred to, and to indemnify and save harmless the City and Commission from all costs, fees and disbursements which shall or may hereafter be incurred by the City and Commission or either of them in or by reason of any action at law to set aside this agreement or to attack or question its validity in any manner or to enjoin the carrying out of the same.

24. For the purpose of implementing a certain agreement bearing even date, herewith and executed by and between the City and the Lincoln Electric Light and Power Company, Limited, respecting the sale and delivery in the City of St. Catharines of electrical power for power purposes by the said last-named Company, the Company hereby agrees to furnish and deliver to the Mayor of the City from time to time when requested to do so, full, accurate and definite information in writing verified by the statutory declaration of the General Manager of the Company of the rates and prices at which electrical power for power purposes is sold and delivered by the Company to users or consumers thereof in the City of Hamilton.

25. That upon the expiry either by operation of law or the act of the parties of the contract now existing between the Company and the Lincoln Electric Light and Power Company, Limited, respecting the sale and delivery of electrical power in the City of St. Catharines bearing date the 29th day of November, 1902, or in the event of the liquidation of the said Lincoln Electric Light and Power Company, Limited, or the commencement of proceedings for winding up the said Company, then and in any such case, the Company will assume and perform the terms and provisions of the Agreement referred to in the last preceding paragraph hereof bearing even date herewith between the said the Lincoln Electric Light and Power Company, Limited, and the City.

26. All the terms, conditions and provisions of this Agreement shall extend to and bind the successors and assigns of the said parties.

In witness whereof the said parties hereto have caused to be affixed their corporate seals and the proper officers thereof have signed.

Signed, sealed and delivered,

(Corporate Seal)

in the presence of

(Sgd.) GEO. C. CARLISLE,

(Sgd.) ROBT. W. LAWRIE,

Chairman, Water Works Com-

As to signature of

mission.

GEORGE C. CARLISLE.

(Sgd.) W. B. BURGOYNE,

(Sgd.) A. P. FRIESMAN,

Mayor.

As to signature of

(Corporate Seal St. Catharines,

W. B. BURGOYNE,

City.)

(Sgd.) GEO. C. CARLISLE.

THE HAMILTON CATARACT

As to the signatures

POWER, LIGHT & TRAC-

J. M. GIBSON,

TION CO., LTD.

Wm. C. HAWKINS.

(Corporate Seal)

(Sgd.) J. M. GIBSON,

President.

(Sgd.) Wm. C. HAWKINS,

Secretary.

SCHEDULE

SCHEDULE B.

Township of Grantham.

By law Number 134 for closing up a portion of the town line between the Township of Grantham, in the County of Lincoln, and the Township of Thorold, in the County of Welland.

Whereas notices have been duly posted up and published as required by section 632 of the Municipal Act, that at a meeting of the Council of the Township of Grantham, to be held on Saturday, the 15th day of August, 1903, at 11 o'clock in the forenoon, at the City Hall in the City of St. Catharines, the Council intends to introduce and to pass, if a majority of its members present at the meeting shall so decide, a by-law for closing or stopping up all that portion of the town line between the Township of Grantham in the County of Lincoln and the Township of Thorold, in the County of Welland, hereinafter more particularly described, and for opening in lieu of the road so closed or stopped up a public road 66 feet wide, on parts of lots 40 and 41 in the Township of Thorold, in the County of Welland, hereinafter more particularly described, and for entering upon, taking and using the lands necessary for opening such road, the Council making compensation to the owners or occupiers or other persons interested in such last-mentioned lands by conveying to them in exchange therefor the lands forming part of the said town line closed by such by-law, they being the owners and occupiers of the lands next adjoining same, and the Council also providing some other convenient road or means of access to the lands or residences of any person or persons who would be excluded from ingress or egress to their lands or residences by the closing of the said portion of the said town line.

And whereas it does not appear that any person or persons will be excluded from ingress or egress to and from their lands or residences by the closing of the said portion of the said town line.

Therefore the Council of the Township of Grantham enacts as follows:—

1. That portion of the town line between the Township of Grantham, in the County of Lincoln, and the Township of Thorold, in the County of Welland, from the northerly side of the Beaver Dams road, produced westerly to the northerly side of said town line to a point on the northerly side of said town line, distant 450 feet measured easterly along the northerly side of said town line from the line produced of the westerly side of road allowance between lots 40 and 41 in the Township of Thorold is hereby closed.

2. In lieu of the road so closed a public road shall be opened 66 feet wide on part of lots 40 and 41 in the Township of Thorold in the County of Welland, the northwesterly side of which starts at a point on the northerly side of the town line between the Townships of Thorold and Grantham, distant 450 feet, measured easterly along the northerly side of the said town line from the westerly side of road allowance produced between lots 40 and 41 in the Township of Thorold, thence southwesterly in a straight course to a point on the westerly side of said road allowance, distant 575 feet, measured southerly in a straight course to the northerly side of said town line, thence southwesterly in a straight course to the northerly side of Beaver Dams road at the southwestern angle of the public school grounds, and it shall and may be lawful for the Corporation of the Township of Grantham to enter upon and take and use the lands necessary for the purpose of opening such new road; the Council making compensation to the owners or occupiers of or other persons interested in such last-mentioned lands by conveying to them, in exchange therefor, the lands forming that part of the said town line, hereby closed, they being the owners and occupiers of the lands next adjoining the same.

3. That the same amount of money compensation if any paid to the Township of Thorold for the closing of the one and the opening of the other, shall be paid to their Council.

4. This by-law shall not come into force or effect until an agreement shall have been signed by the Company satisfactory to this Council providing

viding for the maintenance of the said road in perpetuity; the opening of the same and that part of the Beaver Dams road westerly thereof during snow-storms; the compensation to anyone injuriously affected thereby and the keeping harmless of the said Council against any claims, damages or expenses of any kind incurred by reason of the change hereby agreed on; also for the grading of the new road as nearly level as possible and to the satisfaction of the said Council.

And this agreement shall be submitted by the Council's solicitor within one month, and accepted by the Company within two weeks thereafter, or this by-law shall become null and void and of no effect.

I certify that the above is a true copy of the By-law No. 134 of the Township of Grantham.

Dated August 15th, 1903.

(Seal)

(Sgd.) L. S. BESSEY,
Clerk.

SCHEDULE C.

Township of Thorold.

By-law Number 11 for the closing of a portion of the town line between the Township of Grantham, in the County of Lincoln, and the Township of Thorold, in the County of Welland, and a portion of the road allowance between lots 40 and 41 in the Township of Thorold, in the County of Welland, and for opening in lieu of the roads so closed a public road 66 feet wide on parts of lots 40 and 41 in the Township of Thorold, in the County of Welland.

Whereas notices have been duly posted up and published as required by section 632 of the Municipal Act, that at a meeting of the Council of the Township of Thorold, to be held on Saturday, the 15th day of August, 1903, at 3 o'clock in the afternoon, in the Council Chamber in the Village of Allanburg, in the County of Welland, the Council intends to introduce and to pass, if a majority of its members present at the meeting shall so decide, a by-law for closing or stopping up that part of the Town line between the Township of Grantham, in the County of Lincoln, and the Township of Thorold in the County of Welland hereinafter more particularly described, and that portion of the road allowance between lots 40 and 41 in the Township of Thorold hereinafter more particularly described, and for opening in lieu of the roads so closed a public road 66 feet wide on parts of lots 40 and 41 in the Township of Thorold hereinafter more particularly described and for entering upon and taking and using the lands necessary for the purpose of opening such road the Council making compensation to the owner or occupiers or other persons interested in such last-mentioned lands by conveying to them in exchange therefor the lands forming part of the said Town line and part of the road allowance between lots 40 and 41 in the Township of Thorold proposed to be closed they being the owners and occupiers of the lands next adjoining the same, and the Council also providing some other convenient road or means of access to the lands or residences of any person or persons who would be excluded from ingress or egress to their lands or residences by the closing of the said portion of said Town line.

And whereas no person or persons will be excluded from ingress or egress to or from their lands or residences by the closing of the said portions of the said Town line and road allowance;

Therefore the Council of the Corporation of the Township of Thorold enacts as follows:—

1. That portion of the Town line between the Township of Grantham in the County of Lincoln, and the Township of Thorold in the County of Welland, from the Northerly side of the Beaver Dams road produced westerly to the Northerly side of said Town line, to a point on the northerly side of said town line distant 450 feet measured easterly along the northerly

northerly side of said town line from the line produced of the westerly side of road allowance between lots 40 and 41 in the Township of Thorold is hereby closed.

2. That portion of the road allowance between lots 40 and 41 in the Township of Thorold in the County of Welland from the town line between the Townships of Thorold and Grantham for a distance of 375 feet measured southerly along the westerly side of said road allowance from the northerly side of the said town line is hereby closed.

3. In lieu of the roads so closed a public road shall be opened 66 feet wide on parts of lots 40 and 41 in the Township of Thorold in the County of Welland, the northwesterly side of which starts at a point on the Northwesterly side of the Town line between the Townships of Thorold and Grantham, distant 450 feet measured easterly along the northerly side of said town line from the westerly side of road allowance produced between lots 40 and 41 in the Township of Thorold, thence south westerly in a straight course to a point on the westerly side of said road allowance distant 375 feet measured southerly from the northerly side of said town line, thence southwesterly in a straight course to the northerly side of Beaver Dams road at the southwesterly angle of the public school grounds; and it shall and may be lawful for the Corporation of the Township of Thorold to enter upon and take and use the lands necessary for the purpose of opening such new road; the Council making compensation to the owners or occupiers of or other persons interested in such last-mentioned lands by conveying to them in exchange therefor the lands forming that part of the said town line hereby closed they being the owners and occupiers of the lands next adjoining the same.

4. This by-law shall not come into force or effect until an agreement shall have been signed by the Company satisfactory to the Council providing for the maintenance of the said road in perpetuity—the opening of the same and that part of the Beaver Dams road westerly thereof during snowstorms—the compensation to anyone injuriously affected thereby and the keeping harmless of the said Council against any claims, damages, or expenses of any kind incurred by reason of the change hereby agreed on—also for the grading of the new road as nearly level as possible and to the satisfaction of the said Council.

5. The said Company shall also pay to the said Council the sum of \$300.00 for the part of the road between lots 40 and 41 to be closed and the sum of \$200.00 for the part of the township line also to be closed.

6. The agreement hereby referred to shall be submitted by the Council's solicitor within one month and accepted by the Company within two weeks thereafter or the By-law shall become null and void and of no effect.

7. It is also agreed that the Council may if they so desire, change the location of the new road to the north of the school house in order to shorten the length thereof.

Passed this Fifteenth day of August, 1903.

(Seal)

(Signed) WALTER UPPER,
Reeve Tp. of Thorold.
(Signed) THOMAS A. CLARK,
Clerk Tp. of Thorold.

SCHEDULE D.

By-Law No. 440.

A By-law to ratify and confirm By-law No. 134 of the Township of Grantham.

Whereas the Corporation of the Township of Grantham did on the 15th day of August, 1903, pass a by-law closing up for the purposes of The Hamilton Cataract Power, Light and Traction Company (Limited), all that part of the Town line between the Township of Grantham, in the County of Lincoln, and the Township of Thorold, in the County of Welland, from the

the northerly side of Beaver Dams road produced westerly to the northerly side of said Town line to a point on the northerly side of said Town line, distant 450 feet measured easterly along the northerly side of said Town line, from the line produced of the westerly side of road allowance between lots 40 and 41 in the Township of Thorold, the said Company providing a substituted road therefor as in said by-law set forth, a certified copy of which by-law Number 134 being hereunto annexed.

And whereas it is necessary and expedient to ratify and confirm the said by-law: .

Therefore the Corporation of the County of Lincoln hereby enacts that the said by-law Number 134 be and the same is hereby ratified and confirmed.

Passed in Council this 3rd day of December, A.D. 1903.

(Sgd.) DAVID JACKSON,

(L. S.)

Warden.

(Sgd.) JOHNSON CLENCH,

County Clerk.

SCHEDULE E.

By-law No. 755.

A By-law to ratify and confirm By-law No. 11 of the Township of Thorold.

Whereas the Corporation of the Township of Thorold did on the 15th day of August 1903, pass a by-law to close up for the purposes of the Hamilton Cataract Power, Light and Traction Company (Limited), all that part of the Town line between the Township of Grantham, in the County of Lincoln, and the Township of Thorold, in the County of Welland, from the northerly side of the Beaver Dams road, produced westerly to the northerly side of said Town line to a point on the northerly side of said Town line, distant 450 feet, measured easterly along the northerly side of said Town line from the line produced of the westerly side of road allowance between lots 40 and 41 in the Township of Thorold, the said Company providing a substituted road therefor as in said By-law set forth, a certified copy of which By-law No. 11 being hereunto annexed;

And whereas it is necessary and expedient to ratify and confirm the said By-law;

Therefore the Corporation of the County of Welland hereby enacts that the said By-law No. 11 be and the same is hereby ratified and confirmed.

Passed in Council this 4th day of December, A.D. 1903.

(Signed) NORVAL B. HAGAR,

(Seal)

Warden.

(Signed) ROBERT COOPER,

Clerk.

SCHEDULE F.

By-law No. 14 of the Township of Thorold.

Respecting The Hamilton Cataract Power, Light and Traction Company (Limited).

Subject to the provisions, stipulations and conditions imposed on and required to be performed by the said Company as hereinafter set forth, the Corporation of the Township of Thorold in the County of Welland enacts as follows:—

(1) The said Company are hereby authorized and permitted in connection with their canal or race-way and certain proposed changes in their hydraulic system for the purposes of creating and maintaining storage reservoirs or basins to establish and maintain the same along and across certain sections of certain Township roads, the said sections being more particularly

particularly indicated on the maps and plans hereto annexed and being marked red thereon and more particularly described as follows:—

(a) On 300 feet more or less of the road or highway known as "Beaver Dams Road" between lots number 39 and 40 on the north thereof and lots number 57 and 58 on the south thereof, the said 300 feet more or less commencing 20 feet more or less east of what would be, if extended, the division line between lots 57 and 58 running westerly.

(b) On 380 feet more or less of the road or highway known as "Beaver Dams Road" between lot number 38 on the northerly side of said road and lot number 56 on the southerly side thereof, the said 380 feet more or less commencing at 200 feet more or less easterly from the intersection of the road allowance between lots 56 and 57 on said Beaver Dams Road and running easterly from such point of commencement.

(c) On 500 feet more or less of the road or highway known as "Beaver Dams Road," the said 500 feet more or less commencing near the intersection of the said Beaver Dams Road with the Stone Road and running southerly.

(d) On 525 feet more or less of the road or highway known as "Stone Road" the said 525 feet more or less commencing at a point forty feet more or less northeast of Hagar Summer's barn and running northeasterly therefrom.

(e) On 900 feet more or less of the road or highway known as the "Stone Road," the said 900 feet more or less commencing at a point about 200 feet west of the Beaver Dams Creek and running northeasterly therefrom.

(f) On 300 feet more or less of the road or highway known as the "Side Road," the said 300 feet commencing at a point near the intersection of the said Stone Road with the Beaver Dams Road and running westerly.

(g) On 400 feet more or less of the road or highway known as the "Side Road" between lots owned by Elizabeth Colter and John Kew on the south and by the Cowan property on the north, the said 400 feet more or less commencing 60 feet more or less west of the Side road and running easterly.

(h) On 460 feet more or less of the road or highway known as the "Side Road" between lots owned on the west by Elizabeth Colter and John Kew and on the east by Elizabeth Colter, the said 460 feet more or less commencing at the intersection of the Stone Road with the Side Road and running southerly.

(i) On 840 feet more or less of the road or highway known as the "Side Road" between lots owned on the west by Laughlin Carter and on the east by Elizabeth Colter, the said 840 feet more or less commencing about 400 feet north of Beaver Dams Creek and running southerly therefrom.

(j) On 200 feet more or less of road allowance between lot number 97 and lot number 120 the said 200 feet more or less commencing at the junction of the road allowance between lots 97 and 120 and the road allowance between lots numbers 120 and 119 and running westerly therefrom.

(k) On 800 feet more or less of the road allowance between lots numbers 120 and 119, the said 800 feet more or less commencing at a point 150 feet more or less south of the Canboro Road and running northerly therefrom.

(l) On 300 feet more or less of the road or highway known as the "Canboro Road," the said 300 feet more or less commencing at a point where the east side of the Canal Feeder intersects the said Canboro Road and running westerly past the road allowance between lots 120 and 119, seventy feet more or less.

(m) On 60 feet more or less of Thorold and Allanburg Stone Road, said 60 feet more or less commencing at a point 400 feet more or less southerly from the intersection of the Thorold and Allanburg Stone Road and Beaver Dams Road, and running southerly between the property of John Morton on the east and Evan Upper's property on the west.

(n) On 800 feet more or less of the road allowance between lots 56 and 57, the said 800 feet more or less commencing at the intersection of the said road allowance with the Beaver Dams Road and running southerly therefrom.

from; and for such purposes may raise any or all of the said roads or highways or road allowances at any of the points mentioned should they be likely to be overflowed, but shall make the width of the roadway for travel not less than 24 feet on top; and the company may also at any of the points mentioned raise or construct any bridge or crossing that may be deemed necessary, and may deflect and straighten the road allowance between lots 57 and 58 at the point mentioned in paragraph (n), provided that all bridges, road allowances or crossings now existing or hereafter opened or constructed that may be affected by the works of the company shall be repaired and kept up at the expense of the company.

Provided always, and it is hereby understood and agreed that the said Company shall make such changes to the satisfaction and with the approval and under the supervision of the said council or their engineer, and all bridges, cuttings or embankments on the said roads or highways shall be carried out only on plans to be furnished by the Company, and approved by the said council, and in such manner as to insure the safety and stability of the said works, and that the said bridges, embankments and cuttings shall at all times be kept in a first-class repair by the said Company, and if at any time they are not so kept in repair and properly fenced and safe-guarded on both sides of all grades required to be fenced by the council aforesaid, then, on written notice being given to the said Company by the said council or their engineer, the said Company shall forthwith proceed to repair such works, or provide such safe-guards or make such other provisions for the safety and convenience of the public as may be deemed necessary, but on their failure so to do for the space of three days after receiving such notice, then the council of the said township may at once proceed with the said works, and shall be entitled to collect the cost thereof from the said Company.

(3) The said Company shall indemnify and save harmless the said township from all actions or causes of actions that may at any time be raised through any of the acts of the Company, either from flooding lands by reason of any of the work undertaken by the Company, and also against all damages or claims for damages that may arise through any of the changes made in the roads or highways by the said Company, or by the cuttings, embankments or bridges hereinbefore mentioned, it being understood that the privileges herein granted to the said Company are only so granted on the consideration that the Company will take all possible precautions for the protection of life and property along the said roads and on the works of the Company, and that they will pay for any losses, damages or expenses that may be incurred by the said township from any cause whatever connected with the said works.

(4) The said Company shall pay all charges that may be incurred by the said township for the inspection of the works or the engineer that they may employ to examine the same, or for any committee they may appoint from time to time for the proper inspection or examination of the said works as they progress, and shall furnish all facilities for such inspection by the engineer or council at any time they may so desire.

(5) The Company shall prosecute all their works in such manner as to least inconvenience the travelling public, and shall at no time block up any roadway or highway from travel without the consent of the said council.

(6) At all places where the Company shall make the canals or raceways on any part of the highways hereinbefore mentioned whether now existing or hereafter opened or dedicated for public use, they shall build and keep in repair for all time that this by-law may be in force and operation suitable strong wooden bridges, to be approved of by the said council or its engineer, and shall, before proceeding with the erection of such bridges furnish a plan thereof to the said council. All repairs or renewals of the said bridges shall be at the sole cost and charges of the said company, and all works to be done in connection therewith or for the repairs thereof shall be subject to the conditions hereinbefore mentioned in the third paragraph of this by-law.

(7) The Company are also bound to keep in repair for all that time that this by-law may be in force and operation, all bridges, public or private crossings, creeks or waterways in which the water will be raised by reason

of the works of the Company, and to construct and for the same time keep in repair all bridges, public or private, that may become necessary by reason of the water being raised as aforesaid.

(8) And this by-law shall not come into force until it is accepted by the said Company in such a way that the said Company will be bound thereby and returned to the reeve and clerk of the township for signature.

(9) The said Company agrees to pay taxes on the whole of their property in the said township and agree that, notwithstanding that a large part of the land owned by them will be covered by water that they will not object to the land so covered being assessed at an amount equal to the amount at which land adjoining is assessed.

(10) Unless the said Company commence said work by the first of January, 1904, and proceed with the construction of said work in such a way as to satisfy the council that the work will be completed on or before the first day of January, 1905, the council may repeal this by-law at any time after said first day of January, 1905.

(11) No grades on any of the highways approaching the bridges or works of the company shall be more than one foot in twenty.

Passed in Council this 10th day of November, A.D. 1903.

(Seal)

(Sgd.) THOMAS A. CLARK,

Clerk.

(Sgd.) WALTER UPPER,

Reeve.

The Hamilton Cataract Power, Light and Traction Company, Limited, hereby accept the foregoing by-law and agree to be bound by and comply with the provisions thereof.

As Witness their Corporate Seal under the hands of the President and Secretary.

Witness :

GEO. D. FEARMAN.

The Hamilton Cataract Power,
Light and Traction Company,
Limited.

J. M. GIBSON, President.
WM. C. HAWKINS, Secretary.

(Seal)

CHAPTER 100.

An Act respecting The Muskoka Lakes Navigation and Hotel Company.

*Assented to 26th April, 1904.***Preamble.**

WHÈREAS the Muskoka Lakes Navigation and Hotel Company are now the owners of the property formerly known as the Muskoka Tourists Hotel Company and have by petition prayed that an Act may be passed to confirm a certain By-law No. 181 passed by the Municipal Council of the Townships of Medora and Wood whereby the assessment of the said property of the said company on Lake Rosseau should not exceed the sum of \$20,000 in any year for a period of ten years from and after the first day of January, 1901; and whereas no objection has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 181 of Medora and Wood fixing assessment of Royal Muskoka Hotel confirmed.

1. The said By-law No. 181 of the United Townships of Medora and Wood which by-law is set out in Schedule A to this Act intituled "By-law No. 181, a By-law to fix the assessment of the Muskoka Tourists Hotel Company," is confirmed and declared to be and to have been from the time of the passing thereof legal, valid and binding to all intents and purposes; and the assessment of the hotel property of the Muskoka Lakes Navigation and Hotel Company's Hotel on Lake Rosseau, being the property known as the Royal Muskoka Hotel, in the Township of Medora, and mentioned and referred to in the said by-law as the property of the Muskoka Tourists Hotel Company, is fixed at the sum of \$20,000 for all purposes including school rates for a period of ten years from the first day of January, 1901, as by the said by law provided; and the said company shall not, during the said period, be liable for any other taxes for general, municipal and school purposes in respect of the said hotel property or the business there carried on, than those payable from time to time on the said fixed assessment.

SCHEDULE.

SCHEDULE A.

UNITED TOWNSHIPS OF MEDORA AND WOOD.

By-law No. 181.

A By-law to fix the assessment of the Muskoka Tourists Hotel Company.

Whereas application has been made by Herbert P. Hemming of the City of Hamilton, asking that the property of the Muskoka Tourists Hotel Company be assessed at a certain and fixed valuation for a term of years.

And whereas it appears expedient to grant the request.

It is therefore hereby enacted by the Municipal Council of the United Townships of Medora and Wood that the assessment of the property of the Muskoka Tourists Hotel Company on Lake Rosseau shall not exceed the sum of twenty thousand dollars for all purposes for any year during the period of ten years from and after the first day of January, A.D. 1901.

And the reeve and clerk are hereby authorized and directed to sign an agreement to that effect.



HENRY C. GUY,
Township Clerk.

(Signed) J. WHITE,
Reeve.

Passed August 25th, 1900.

CHAPTER 101.

An Act respecting the Simcoe County Mutual Fire Insurance Company.

Assented to 26th April, 1904.

Preamble.

WHEREAS the Simcoe County Mutual Fire Insurance Company was duly incorporated under the law of the Province of Ontario, and has been doing business under the provisions of the insurance laws of the Province ; and whereas through inadvertence the undertaking signed by applicants for insurance was not printed with the space between same and the body of the application required by law, and technical defences have been taken advantage of by policyholders in resisting payment of assessments made by the said Company ; and whereas the said Company has prayed that it be enacted as hereinafter set forth ; and whereas it is expedient to grant the said prayer ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Certain premium notes, assessments, and notices validated.

Rev. Stat.
c. 203.

1.—(1) With the intent, and for the purpose, of immediately winding up, liquidating and dissolving the Simcoe County Mutual Fire Insurance Company (hereinafter called the Company), the several assessments levied or purporting to be levied in the years 1901, 1902, and 1903 by the Company upon the instruments taken by the Company as undertakings or premium notes for insurance, are hereby made binding and obligatory upon the several makers of the said instruments, notwithstanding anything to the contrary contained in *The Ontario Insurance Act*, and notwithstanding any want of jurisdiction in the Company to levy or make the said assessments, notwithstanding any defect in substance or in the form whether of the said instruments, or of the said assessments, or of notices of the said assessments and notwithstanding any defect in the manner of levying or making the said assessments, and notwithstanding that the policies or contracts of insurance in respect of which the said instruments were so assessed have expired or have been cancelled since they were so assessed ; and no action, suit or proceeding as against the maker of any of the said instruments shall be barred by any Statute of limitations or other statutory limitation.

(2) The several sums so assessed in the said years on the said several instruments shall without further or other notice, if not already paid, be payable by the respective makers thereof, within thirty days after the passing of this Act; and if not so paid, the liquidator may sue and recover the same with costs of suit. Any action or suit which may be brought or commenced in a Division Court in respect or on account of any of the said several sums, may be brought or commenced against the maker of the instrument in the Division Court for the division wherein the head office of the Company or the office of the liquidator of the Company is situate.

(3) Nothing contained in this Act shall extend or apply to a certain undertaking or premium note made, or purporting to be made, to the Company by Thomas Rossiter, and which after trial was adjudged to be invalid.

2.—(1) Upon terms of remuneration to be settled by the Inspector of Insurance, Joseph Wright, Clerk of the Municipality of Beeton, shall be the liquidator of the Company; and in case the office of liquidator shall from any cause become vacant, then the liquidator shall be appointed as provided in subsection 9 of section 183 of *The Ontario Insurance Act*.

(2) Three persons, who may or may not be directors of the Company, shall be chosen by the Board of Directors and shall form a Committee of Inspection; and at the end of each month until the final closing of the accounts, shall audit the liquidator's books, accounts, securities and vouchers, and shall make their report thereon to the Inspector of Insurance within seven days after the close of the month then next ended.

3.—(1) The winding-up of the Company shall commence on the day of the passing of this Act; and as from the said day the corporate powers of the Company shall cease and determine except for the sole purpose of winding-up and liquidating its affairs.

(2) The following provisions of *The Ontario Insurance Act* shall specially apply to the said winding-up and to the liquidator as fully as if the said provisions had been enacted by this Act for the purposes of the said winding-up and liquidation:—

Subsections 5 and 6 of section 182;

Subsections 9, 10 and 11 of section 183;

Subsections 5 and 6 of section 184;

Subsections 8 and 9 of section 186;

Subsection 4 of section 189;

Section 190:

Section 194, and subsections 4, 5 and 6 of section 195.

Section 155 of *The Division Courts Act* shall also apply.

Act not to apply to a certain premium note.

Liquidator named.

Rev. Stat. c. 203.

Appointment of Committee of Inspection; duties of Committee.

Commencement of winding-up.

Certain provisions of Ontario Insurance Act Rev. Stat. (c. 203) and Rev. Stat. c. 60 to apply.

Liquidator to give certain security.

4.—(1) At the commencement of the winding-up the liquidator shall deliver to the Inspector of Insurance an approved guarantee policy or fidelity bond for the sum of at least \$2,500, executed as required by subsection 8 of section 186 of *The Ontario Insurance Act*, by a guarantee company standing registered under *The Ontario Insurance Act*.

Books, etc., of company to be delivered to liquidator.

(2) When the liquidator has complied with the requirements of the next preceding subsection, the directors or officers of the company having custody or control of the books, accounts, documents, instruments, securities, money and effects of the company shall forthwith deliver the same to the liquidator and take his receipt therefor.

All moneys payable to liquidator.

(3) All moneys due to the company shall be payable to the liquidator, whose receipt therefor shall be a sufficient acquittance and discharge.

Liquidator to deposit all moneys in chartered bank.

(4) The liquidator shall forthwith after receipt deposit to the credit of the company in a chartered bank of Canada, all moneys of the company at any time and from time to time received by him.

Application of moneys. Cheques how signed.

(5) The moneys of the company shall be applied only in payment of the debts or liabilities of the company and of the necessary and proper expenses of liquidation; and all cheques or orders drawn by the liquidator against the company's funds shall, except where the liquidator is acting under order or direction of a court or judge, be countersigned by at least two members of the Committee of Inspection.

CHAPTER 102.

An Act respecting the Lakeport Cemetery and to incorporate the Lakeport Cemetery Company.

Assented to 26th April, 1904.

WHEREAS Jay Ketchum, Esquire, Junior Judge of the Preamble.
United Counties of Northumberland and Durham and certain other persons have in their petition set forth:—that about one hundred years ago, one Joseph Keeler, then the owner in fee simple of lot number One, in concession B, of the Township of Haldimand, in the County of Northumberland, set apart as a public cemetery that part of the said lot now, and ever since such dedication, fenced and enclosed, and which is hereinafter more particularly described; that ever since said dedication by the said Joseph Keeler, the said portion of land has been continuously used by the inhabitants of the locality as a free and public place of burial for Protestants of all denominations, and is still so used; and, from the number of burials that have taken place therein it has become nearly filled up with bodies, and must be enlarged by the addition thereto of part or parts of the adjoining lands, if it is to continue in use as a place of burial; that there is not upon record nor in existence, as the said petitioners believe, any conveyance of the said parcel of land by the said Joseph Keeler or by any of his heirs or assigns, to any person or persons, nor any dedication thereof in writing, as a public cemetery; that the said burial place was never laid out into plots or sections and, being free to whomsoever desired to use it, has been appropriated to a large extent without pretence of order or regularity, though a few persons have set apart and fenced or otherwise marked, family plots therein, but according to no scheme or system, and without regard to the situation of other plots, or of graves, therein; and there being no trustees or other persons having authority over it, or power to regulate the burials therein, it has become as a whole, unsightly and uncared for, and is in great need of oversight, regulation and repair; that, inasmuch as the said Joseph Keeler and many of his descendants are buried in the said cemetery, the said petitioners believe, that his descendants now alive would, if accessible, join in the said petition; that the said place of burial is well situated and adapted for the purpose

purpose, and is a public necessity for the locality, and it is desirable that it be put under proper control and regulation, so that it may be, so far as is possible, systematically laid out into plots, and so that it may be properly protected, and kept in order and repair; and that the said burial place is not within any city, town or incorporated village, or near thereto; and whereas the said petitioners have prayed that an Act may be passed incorporating the persons hereinafter named under the name of "The Lakeport Cemetery Company" for the purpose of taking over the said Lakeport cemetery, and of controlling and managing the same, and of adding to the area thereof by the addition of adjoining lands; and whereas it appears reasonable that under the exceptional circumstances of the case there should be a special incorporation for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. **1.** Jay Ketchum, Esquire, of the Town of Cobourg, Junior Judge of the County Court of the United Counties of Northumberland and Durham, Donald C. Mathews, Esq., of the Village of Lakeport, Chas. J. McCallum, Esq., and James McGlenon, Esq., of the Village of Colborne, William G. Kernaghan, Esq., of the Village of Lakeport, and such other persons and corporations as shall hereafter become shareholders in the said company are constituted a body politic and corporate under the name of "The Lakeport Cemetery Company;" and, save as hereinafter provided, the said company shall have the same rights, powers and privileges and shall perform and be subject to the same duties and obligations as a company incorporated by letters patent under *The Ontario Companies Act* and *The Act respecting Cemetery Companies*.

Rev. Stat.
c. 191.
Rev. Stat.
c. 213.

**Provisional
directors.**

Capital stock. **2.** The persons named in section 1 of this Act shall be the provisional directors of the said company.

Head office. **3.** The capital stock of the said company shall be the sum of \$2,000 divided into two thousand shares of \$1 each.

Organization. **4.** The head office of the said company shall be at the Village of Colborne in the County of Northumberland.

**Rev. Stat.
c. 191.** **5.** When and so soon as one-half the capital stock of the company shall have been subscribed and ten per centum paid thereon the said provisional directors shall call a general meeting of the shareholders for the organization of the company and the election of directors in the manner provided by *The Ontario Companies Act*.

6. The lands known as the Lakeport Cemetery, and being part of lot No. 1, in Concession B, in the Township of Halldemand, in the County of Northumberland, and which may be more particularly described as follows, that is to say:—Commen-

Lakeport
Cemetery
vested in
Company.

cing at a point at the intersection of the westerly limit of said lot No. 1 with the northerly limit of a travelled road known as the Lake Shore Road, said point being also at the distance of twenty chains and forty links, more or less measured northerly along said westerly limit from the southwest angle of said lot No. 1,—thence north, sixteen degrees west, along the said westerly limit of said lot No. 1, three chains and fifty-six links,—thence north, sixty-seven degrees east, along the northerly boundary of said plot, two chains and eighty-one links,—thence south, sixteen degrees east, along the easterly boundary of the said plot, three chains and fifty-six links more or less to the Lake Shore Road, thence south sixty-seven degrees west along the northerly limit of the said Lake Shore Road, two chains and eighty-one links more or less to the place of beginning,—containing by measurement ninety-one hundredths of an acre be the same more or less, are hereby vested in the said Company as and for the purposes or a public cemetery and burying place, subject to the rights of persons who at the date of the passing of this Act have burial plots laid out and marked off therein, or who have relatives buried therein or who have otherwise acquired vested rights in any portion of the said lands; and, save as hereinafter provided, the said lands shall be subject to the provisions of *The Act respecting Cemetery Companies* or of any general Act of the Province of Ontario relating to cemeteries or cemetery companies.

Rev. Stat.
c. 212.

7. All persons who at the date of the passing of this Act have burial plots laid out and marked off in the said cemetery shall have the same rights in their respective plots as they would have had if the company after its incorporation had conveyed the plots to them respectively under the provisions of *The Act respecting Cemetery Companies*.

Rev. Stat.
c. 213.

8. The said company may from time to time acquire by purchase, gift or otherwise, any lands adjoining the lands herein-before described for the purpose of securing additional space for the said cemetery and burying ground and may enlarge the same from time to time as may appear necessary, and the lands so acquired from time to time shall be part of the said cemetery and burying ground and shall be subject to the provisions of any general Statute of this Province relating to the regulation of cemeteries and burying grounds.

Power to
acquire
further lands

CHAPTER 103.

An Act respecting the Presbyterian Church of
Canada, at Newmarket.

Assented to 26th April, 1904.

Preamble.

WHEREAS Alexander Bruce Davidson, Joseph Alber Bastedo, Isaac Mortimore Hoag, Silas Armitage, Hezekiah Pretty, William Rennie and Donald Morrison, all of the Town of Newmarket, in the County of York, Elders of the Presbyterian Church of Canada, situate at the said Town of Newmarket, have by their petition represented that one, William Graham, late of the Township of Whitchurch, in the County of York, and Province of Ontario, died on the eleventh day of August, A. D. 1813, having first made his last will and testament, which has been duly proven in the Surrogate Court of the County of York, and he devised certain lands as follows:—"And I do will, give, devise or bequeath forty acres of land on the north-west corner of lot number twenty-five in the second concession of the Township of Whitchurch, District and Province first mentioned, adjoining I sold to Rueben Burr and said lot to be appropriated to the use of any poor person or persons who may be members of the Presbyterian or Church of Scotland until such time as there may be an established minister belonging to said church settled and performing his ministerial duty in the said township, then he or they may have it for a glebe lot so long as they are actually performing their duty as minister of the Gospel belonging to such church there. But when there is no such minister doing duty in such township, the poor as is first above mentioned is to enjoy all the rents and profits of the said forty acres of land without any hindrance whatever as it is my last will that this forty acres of land as is above mentioned should remain for a donation for the poor and clergy belonging to said church in said township and the elders of the said church on Yonge street until such time as there may be at least two or three elders living within said township who shall be legal trustees to put this part of my will into effect;" that the Presbyterian or Church of Scotland in the Township of Whitchurch is now the Presbyterian Church in Canada at Newmarket; that the minister of the Presbyterian Church at Newmarket

market has been in receipt of the rents and profits of the said lands for a great many years; that the lot has been rented for many years and it will be necessary to spend considerable money in repairing the buildings on the said premises unless said premises are sold; that, in the opinion of the elders of the said church it is advisable to dispose of the said premises and to permit the purchase price thereof to be invested by the elders of the Presbyterian Church in Canada at Newmarket for the benefit of the minister of the said Church at Newmarket until such time as the elders of the said church consider it advisable to build a manse for the use of the minister of the said Presbyterian Church in Canada at Newmarket, when they should be authorized to use the purchase price towards the price of the said manse; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

- 1.** The lands described in the preamble hereof being the west forty acres of the north half of lot number twenty-five in the second concession of the Township of Whitchurch are declared to be and are vested in fee simple in the elders of the Presbyterian Church in Canada, at Newmarket, and their successors in office as elders upon trust for the use of the minister of the said church. Part of the north half of Lot 25, con. 2, Township of Whitchurch, vested in elders of Presbyterian Church at Newmarket.'
- 2.** The said elders and their successors are authorized and empowered to dispose of the said land by public auction or private sale, as to them seems best, and to convey the same when so sold unto the purchaser or purchasers thereof, and to invest the purchase price thereof in such securities as trustees may lawfully invest in and to apply the income to be derived therefrom towards the support or benefit of the minister of the Presbyterian Church in Canada at Newmarket. Elders authorized to sell land and invest proceeds.
- 3.** The elders and their successors are further authorized to use the purchase price of said property towards the cost of a manse for the minister of the said Church at Newmarket whenever they consider it advisable to do so. Proceeds of sale may be used to construct manse.

CHAPTER 104.

**An Act to confer certain Powers on the Trustees
of the Estate of the late John Bacon.**

Assented to 26th April, 1904.

Preamble.

WHEREAS by an Act passed in the 2nd year of His Majesty's reign and chaptered 113, and intituled "*An Act to confer certain Powers on the Trustees of the Will of the late John Bacon,*" the said Trustees were authorized and empowered to invest a sum not exceeding \$50,000 in the erection of buildings on vacant lands belonging to the estate; and whereas a large part of the said sum has already been expended in erecting buildings on vacant property which has since been disposed of to the advantage of the estate; and whereas the said estate is still possessed of vacant property in the City of Toronto which they have been unable to dispose of, and they are of opinion that if suitable dwelling houses were erected thereon ready sale could be found therefor; and whereas the said trustees by their petition have prayed for power to increase the amount which they are authorized to expend in erecting buildings on vacant lands, and for power to borrow money from time to time for the above purposes; and whereas counsel, on behalf of such of the beneficiaries under the said will as are adults, and the Official Guardian, on behalf of such of the beneficiaries as are infants or not yet ascertainable, have appeared and approved of the provisions hereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**2 Edw. VII.,
c. 113, s. 1,
amended.**

**Powers as to
improve-
ments.**

1. Section 1 of the said Act is amended by striking out the words "not exceeding in the whole fifty thousand dollars" in the fifth and sixth lines thereof, and by adding at the end of the said section the words "but if at any time the investments in houses and stores erected by the said trustees and remaining unsold shall amount to fifty thousand dollars, no further sum shall be so invested until the said amount shall be reduced by sales made by the said trustees, so that the said amount shall at no time exceed the said sum of fifty thousand dollars."

2. The said trustees shall have power and they are hereby authorized and empowered to borrow money from time to time on the security of the estate for the purpose of assisting in the erection of buildings authorized by the said Act, such borrowed sum not to exceed at any one time twenty thousand dollars.

Power to bor-
row for im-
provements.

CHAPTER 105.

An Act enabling and directing The Royal College of Dental Surgeons for Ontario to admit John Henry Gorman as a Student in his final Year.

Assented to 26th April, 1904.

Preamble.

WHEREAS John Henry Gorman, of the City of Ottawa, in the County of Carleton, and Province of Ontario, has by his petition represented that he attended classes and lectures in Ottawa University for four years, taking a commercial course therein, and that he passed his final examination with honors and received the regular diploma given therefor; and that afterwards having taken a four years' course of lectures and practical work he graduated from the Pennsylvania Dental College in the year 1902 and has since been engaged in the practice of dentistry, in the City of New York, and is proficient therein, and is qualified to do all the work to be done by a regularly licensed dentist; and is now anxious to return to his native country and take up his permanent residence in the City of Ottawa; and has prayed that an Act may be passed enabling and directing The Royal College of Dental Surgeons for Ontario to admit him as a student in his final year; and whereas it has been made to appear that the said John Henry Gorman has substantially though not technically complied with the requirements of the Royal College of Dental Surgeons for Ontario in respect of matriculation; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Royal College
of Dental
Surgeons
authorized
to admit
J. H. Gorman.

1. The Royal College of Dental Surgeons for Ontario is enabled and directed to admit the said John Henry Gorman as a student in his final year, and The Royal College of Dental Surgeons for Ontario shall admit the said John Henry Gorman to practice as a Licentiate of Dental Surgery upon his attending the said College for the final year and passing the usual prescribed examinations for the final year (the said examinations to be passed not later than 1905), and upon his paying the requisite fees in that behalf, any law, statute or usage to the contrary notwithstanding.

CHAPTER

CHAPTER 106.

An Act to enable Edward Spencer Jenison to develop the Water Power of the Kaministiquia River.

Assented to 26th April, 1904.

WHEREAS Edward Spencer Jenison, of the City of Chi-Preamble.
cago, has by petition set forth that under an Act passed
in the 60th year of the reign of Her late Majesty
Queen Victoria and chaptered 106, intituled "An Act to
enable Edward Spencer Jenison to develop and improve
a Water Privilege on the Kaministiquia River;" and an
Act passed in the second Session held in the 62nd year of the
reign of Her said late Majesty Queen Victoria and chaptered
120, intituled "An Act to amend the Act to enable Edward
Spencer Jenison to develop and improve a Water Privilege
on the Kaministiquia River and extend the provisions there-
of" the said Edward Spencer Jenison has expended a large
amount of money, and by private purchase or expropriation
has acquired nearly 5,000 acres of land being the greater part
of the land required for the purposes of the said Acts; and
that by an Act passed in the 2nd year of the reign of His
Majesty King Edward the Seventh, chaptered 49, intituled
"An Act respecting the Town of Fort William, 1902," the
two Acts first mentioned were repealed, subject] to certain
rights of the said Edward Spencer Jenison as therein set
forth; and that no steps have been taken by any of the parties
entitled to proceed with the said undertaking to develop
power under the said Act of the 2nd year of the reign of
His Majesty King Edward the Seventh; and that the said
Edward Spencer Jenison is ready to proceed with such develop-
ment at once, and whereas the said Edward Spencer Jenison
has prayed that an Act may be passed to restore to him
the rights, powers and privileges conferred upon him by the
said two first mentioned Acts; and whereas the council of the
Town of Fort William has consented to the passing of such
an Act, subject to the conditions hereinafter contained; and
whereas it is expedient to grant the prayer of the said peti-
tion subject to the said conditions;

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

2 Edw. VII. **c. 49. ss. 13 to 34, repealed.** **1.** Section 13 and all the following sections of the Act passed in the second year of the reign of His Majesty King Edward the Seventh, and chaptered 49, intituled "*An Act respecting the Town of Fort William, 1902*," are repealed; and any Assignment or Contract made by the Council of the Town of Fort William since and in pursuance of or under said last mentioned Act, is hereby repealed.

60 V. c. 106 and 62 V. (2) c. 120 re-enacted in part.

2. The Act passed in the 60th year of the reign of Her late Majesty Queen Victoria and chaptered 106, and the Act passed in the second session held in the 62nd year of Her said late Majesty's reign and chaptered 120, are, except as hereinafter otherwise provided, re-enacted and declared to have been in full force and effect since the time when they were respectively passed, and all deeds, acts, matters and things lawfully done under and in pursuance of the said lastly mentioned Acts are declared valid to the extent to which they would have been valid if the said Act of the 2nd year of the reign of His Majesty King Edward the Seventh had not been passed; provided that the Corporation of the Town of Fort William shall not be liable in damages for anything heretofore done under and in pursuance of the said *Act respecting the Town of Fort William, 1902*.

Edward Spencer Jenison to have the right to assign any of the properties or rights conferred on him.

3. The said Edward Spencer Jenison and his assigns or either of them shall have the right to grant, transfer and assign any of the properties, rights, privileges or powers by virtue or under the provisions of this or any former Acts conferred upon him, or acquired or to be acquired by him, to any person or persons, firm or corporation legally capable of taking such grant, transfer or assignment so as to confer upon such person or persons, firm or corporation with regard to the properties, rights, privileges or powers so granted, transferred or assigned all the powers and privileges conferred by this or any former Act upon the said Edward Spencer Jenison, but every such grant, transfer, or assignment shall be subject to the provisions of this Act.

Construction of works under 60 V. c. 106 or 62 V. (2) c. 120.

4. Works may be constructed by the said Edward Spencer Jenison or his assigns under the provisions of either of the said Acts passed in the 60th and 62nd year of the reign of Her late Majesty Queen Victoria as aforesaid; provided that the construction of works under one of the said Acts within the provisions of this Act shall entitle the said Edward Spencer Jenison or his assigns to proceed at any time thereafter within a period of ten years from the passing of this Act to construct further works under the said Act and to construct works under the other of the said Acts, so as to enable him or them to develop water power under either or both of the said Acts to the greatest possible extent.

62 V. (2), c. 120, repealed in part.

5. The said Act passed in the second Session of the 62nd year of the reign of Her late Majesty Queen Victoria is repealed

pealed in so far as it relates to Schedules A and B to the said Act, and the by-laws and agreements set out in the said Schedules are declared to be null and void and of no effect; and section 15 of the said Act is repealed.

6.—(1) Notwithstanding any time limit imposed by any of the said Acts, or by any agreement for the commencement construction or completion of the works referred to in section 4 of this Act, the said Edward Spencer Jenison shall be entitled after the passing of this Act, to proceed with the said works and there shall be deposited as a forfeit for the construction of the said works with the Bank of Montreal at the Town of Fort William, to the credit of the Town of Fort William the sum of \$10,000 in cash on or before the first day of August, A.D. 1904; and the said Edward Spencer Jenison or his assigns after the passing of this Act and before the first day of January, A.D. 1905, shall further expend the sum of \$50,000 in actual work upon the ground, or deposit the said sum of \$50,000 with the said bank to the credit of the said town; and shall further expend in actual work upon the ground the sum of \$100,000 during the year 1905; and within three years after the passing of this Act or within such further time as may be granted by the Lieutenant-Governor in Council, there shall be developed by the said Edward Spencer Jenison or his assigns at least 5,000 horse power of electrical energy and the same shall be ready and available for use at the limits of the Towns of Fort William and Port Arthur.

(2) In case the said sum of \$10,000 has been paid in by the said Edward Spencer Jenison, or his assigns, as a cash forfeit on or before the time above provided for, and the said Edward Spencer Jenison, or his assigns, as the case may be shall make default in doing any work or making any payments required by the preceding subsection of this section, then upon proof of the said fact the Lieutenant-Governor in Council may declare that the said sum of \$10,000 so paid in to the credit of the Town of Fort William with accrued interest, shall be absolutely forfeited and shall become the property of the said Town of Fort William, and the said town shall apply the said sum of \$10,000 for the benefit of the Town of Fort William in connection with the development of the power hereinbefore referred to. But in the event of the Town of Fort William not developing the said power as provided for in subsection 3 of this section, then the sum of \$10,000 shall enure to the benefit of and be paid to the Town of Port Arthur for the same purpose.

(3) But in case the said Edward Spencer Jenison, or his assigns, shall make default either in the payment of the said sum of \$10,000 as a cash forfeit on or before the time above provided for or in the payment of \$50,000 for work upon the ground or as a cash deposit on or before the time above provided for, the Corporation of the Town of Fort William and

Time within
which moneys
to be expended
and works
proceeded
with.

When deposit
of \$10,000
to be for-
feited.

Rights of
Towns of Fort
William and
Port Arthur
on default of
E. S. Jenison.

and the Corporation of the Town of Port Arthur shall be entitled respectively in the order named to develop the said power in preference and priority to the said Edward Spencer Jenison or any other person.

Evidence of default.

(4) Any default under the provisions of the foregoing sections on the part of the said Edward Spencer Jenison, or his assigns, as the case may be, shall be sufficiently evidenced by the certificate of the Assistant Commissioner of Public Works or of such Engineer as may be appointed by the Lieutenant-Governor in Council to report thereon on the application of the said Town of Fort William, or the said Town of Port Arthur.

When Lieutenant-Governor to grant extension of time for development.

7. The extension of time for the development of the said 5,000 horse power of electrical energy and having the same ready and available for use as aforesaid provided for in section 6 shall be granted by the Lieutenant-Governor in Council if the said Edward Spencer Jenison, or his assigns, be delayed or their operations interfered with by floods, war, civil commotions, strikes, accidents to works, or by the act of God or other causes over which the said Edward Spencer Jenison, or his assigns have no control and may be granted for such other reasons as the Lieutenant-Governor in Council may deem sufficient.

Payment out of deposit on proof of fulfilment of conditions.

8. Any deposit made as provided in section 6 together with accrued interest thereon shall be paid out of the said bank to the said Edward Spencer Jenison, or his assigns, as the case may be, upon the passing of an Order in Council declaring that proof to the satisfaction of the Lieutenant-Governor in Council has been furnished that the said Edward Spencer Jenison, or his assigns, have duly completed the work of construction and development as provided in section 6 of this Act.

Agreement between E.S. Jenison and Town of Fort William confirmed.

9. The agreement between the Corporation of the Town of Fort William and the said Edward Spencer Jenison set out in Schedule A hereto, is confirmed and declared to be legal, valid and binding upon the parties thereto, according to the terms and tenor thereof.

Rights of Town of Port Arthur.

10.—(1) The said Edward Spencer Jenison, or his assigns, shall be bound from time to time from the power he or they may then have developed, to furnish and supply to the Corporation of the Town of Port Arthur such power as the said Town of Port Arthur may reasonably demand and require for the same purposes as the Town of Fort William may require the same under the agreement in Schedule A hereto, and upon terms not less favorable than those under which the Corporation of the Town of Fort William is supplied with such power by the said Edward Spencer Jenison or his assigns having

having regard to the relative positions of the said towns and the amount of power supplied to each.

(2) In case the said Edward Spencer Jenison or his assigns have not developed sufficient electric power or energy to supply the demands of the Town of Port Arthur as from time to time made as aforesaid, the said Edward Spencer Jenison shall, on the order of the Lieutenant-Governor in Council, within twenty-four months after receiving any such order, develop and deliver such further power, in units of not less than 500-horse power, as may from time to time be required to the full extent of power capable of development under the provisions of this Act and the said further electric power or energy shall be developed and supplied to the Corporation of the Town of Port Arthur upon such terms and conditions as may be agreed upon between the said Edward Spencer Jenison or his assigns and the said Corporation of the Town of Port Arthur, or in default of agreement as may be determined by the Lieutenant-Governor in Council.

(3) Any difference arising amongst the said parties as to the working out of this section shall be determined, if any party hereto so demands, by arbitrators appointed under and as provided by the terms of *The Consolidated Municipal Act, 1903.*

11. The powers conferred by the second section of the Act passed in the 62nd year of the reign of Her late Majesty Queen Victoria as aforesaid, and chaptered 120, shall not be exercised within the limits of the Municipalities of the Towns of Port Arthur and Fort William, without the consent of the Councils of the said Municipalities respectively, expressed by by-law; except that the said Edward Spencer Jenison or his assigns may turn their waste waters into the Neebing and McIntyre Rivers or either of them in such a manner and subject to such conditions as may be imposed by an engineer appointed by The Public Works Department of Ontario. And further subject to making full compensation to the owners, occupiers and other persons interested in any lands that may be injuriously affected thereby as provided in the said Act, and the said by-law of the Corporation of the Town of Port Arthur shall be subject to the approval of the ratepayers of the said corporation to be expressed by a vote therefor in the manner provided for in *The Consolidated Municipal Act, 1903*, for voting on by-laws other than money by-laws.

3 Edw. VII.,
c. 19.

12. The powers conferred upon the said Edward Spencer Jenison and his assigns under section 15 of the Act passed in the 60th year of the reign of Her late Majesty Queen Victoria and chaptered 106 shall not be exercised within the limits of the municipalities of the Towns of Fort William and Port Arthur except upon such terms as may be determined by the councils

By-laws to be
passed by
councils of
towns as to
exercise of
franchise.

Jenison to
develop ad-
ditional horse
power on
order of
Lieutenant-
Governor in
Council.

councils of the said municipalities respectively expressed by by-law defining the terms upon which the said powers may be exercised; the said terms unless otherwise agreed upon between the said Jenison and the said municipalities respectively being in accordance with the provisions of subsections A to K inclusive of section 2 of chapter 37 of the Acts passed by the Parliament of the Dominion of Canada in the 62nd and 63rd years of Her late Majesty's reign which said sub-sections shall *mutatis mutandis* be incorporated with and form part of this Act. But in no event shall the said Edward Spencer Jenison or his assigns be entitled to sell or distribute electric power or energy to any person within the limits of the Corporation of the Town of Port Arthur in units of less than 20 horse power each without the consent of the council of the said Town of Port Arthur similarly expressed by by-law.

Payment of costs incurred under Act of 1902.

13. The said Edward Spencer Jenison shall pay or cause to be paid to the mayor of the Town of Fort William the sum of \$3,000 and to the Corporation of the Town of Port Arthur the sum of \$1,000 within nine months from the passing of this Act to recoup the Town of Fort William and the Town of Port Arthur for the costs, expenses and disbursements incurred or contracted for or in consequence of the passing of *The Act respecting the Town of Fort William, 1902*, by the said Towns respectively and in respect of surveys made and work done by the said Town of Fort William under the said Act, and the said sum shall be a first charge upon the properties of the said Edward Spencer Jenison until the said deposit of \$10,000 is made as aforesaid.

Towns empowered to grant exemption from taxation.

14. The Municipal Councils of the Towns of Fort William and Port Arthur or either of them may and are hereby authorized to exempt any of the works and properties of the said Edward Spencer Jenison within the limits of the said towns from taxation for municipal but not school purposes in whole or in part; but no such by-law shall be passed by either of the said councils until the same shall have been submitted to and received the assent of the electors qualified to vote on money by-laws.

Control of operation of storage works.

15. The operation of any storage works constructed under the provisions of this Act or of any former Act by the said Edward Spencer Jenison or his assigns shall be subject to such regulations as may be made in that behalf by an engineer or board of three engineers to be appointed for that purpose, by order of a Judge of the High Court of Justice upon application to such Judge made after notice to the said Edward Spencer Jenison or his assigns, so that having regard to the due and proper development of the said water powers by the said Edward Spencer Jenison or his assigns under the powers conferred upon him or them so that the flow of said tributary

tributary rivers discharging into the Kaministiquia river shall, day by day, be in the same proportion to the water passing down the Kaministiquia River at a point on the said river immediately above the Jenison Hydraulic development, as the total annual flow of the said tributary river or rivers bears to the total annual volume of the Kaministiquia River at that point on the said river above mentioned, the natural flow of the water in the said Kaministiquia River or tributary rivers or streams shall not be interfered with beyond what is necessary for the proper exercise of the powers conferred upon the said Edward Spencer Jenison and his assigns under the said Acts.

16. The plans and specifications of any work to be constructed by the said Edward Spencer Jenison or his assigns under and in pursuance of the powers conferred upon him or them under this or any former Act shall before such work is proceeded with be submitted to and approved by the certificate of the Engineer of the Department of Public Works of Ontario, that the mode of construction, the materials to be employed, and the location of such work are such as not to endanger the public safety or to cause unnecessary damage to lands or roads in the vicinity ; and the said Engineer may, from time to time, inspect such work to ascertain that the same is constructed in accordance with such approved plans and specifications and may give such directions as he may think proper in order to the due carrying out of such plans and specifications, and the said Edward Spencer Jenison or his assigns shall forthwith carry out any directions so given.

Plans and
works to be
approved by
Public Works
Department.

17. Nothing contained in this Act or in the said Acts in the second section hereof referred to shall confer upon the said Edward Spencer Jenison or his assigns any right or power to construct any of his works, or to do any act, matter or thing whereby the free and uninterrupted flow of the water in Current River and McVicar's Creek, or any of the lakes drained by the said Current River, or any of the tributaries of the said Current River or McVicar's Creek shall be in any wise diverted affected or interfered with or to do any act, matter or thing, whereby the Corporation of the Town of Port Arthur shall be in anywise prejudiced in the full use, development and enjoyment of the Current River and McVicar's Creek power.

Works not to
interfere with
Current River
and McVicar's
Creek.

18. The said Edward Spencer Jenison and his assigns shall not nor shall his customers or lessees have the right to sell, lease or otherwise dispose of or supply electric light or water or power to create electric light for any municipal, domestic or commercial purpose, in the said Town of Port Arthur, nor shall the said Edward Spencer Jenison or his assigns, his customers or lessees in any way supply water in the said Town Jenison not to supply electric light or water for certain purposes in Port Arthnr.

Town of Port Arthur or electric power for any municipal or domestic purpose or for public utilities in the said Town.

No discrimination in rates as between towns.

19. The said Edward Spencer Jenison shall not nor shall his assigns directly or indirectly discriminate between the said Towns of Fort William and Port Arthur or the consumers therein in selling or disposing of electric power or energy or in the granting of rights or privileges.

Rights of Fort William and Port Arthur on failure to operate works.

20. (a) In the event of the said Edward Spencer Jenison or his assigns at any time ceasing to operate the said works authorized by this Act so as to fully comply with the terms of this Act the Corporation of the Town of Fort William may after thirty days notice given by either the Corporation of the said Town of Fort William or the Corporation of the said Town of Port Arthur requiring the said Edward Spencer Jenison or his assigns to comply with the terms of this Act and on his failure to do so take over such of the said works as may be necessary to fulfil all the conditions of this Act at a value to be determined by arbitration under the provisions of *The Railway Act* by a sole arbitrator to be appointed by a Judge of the High Court of Justice of Ontario in case the parties cannot agree.

Rev. Stat., c. 207.

(b) In the event of the Town of Fort William failing to exercise the rights given under this section for a period of six months after the right to exercise the same has arisen, the Corporation of the Town of Port Arthur shall upon thirty days notice to the said Edward Spencer Jenison or his assigns and to the Corporation of the Town of Fort William and on default being continued during the said thirty days, be entitled to exercise all the said rights and take over the said works at the terms aforesaid.

Act to bind successors and assigns of Jenison.

21. All the provisions of this Act shall be binding upon the successors and assigns of the said Edward Spencer Jenison and upon any bondholders, liquidator, receiver, corporation or person who may hereafter control or manage the said works and all such persons or corporations shall at all times be bound to carry out the stipulations and provisions of this agreement.

Power to be developed from time to time as required.

22. After the institution of the necessary works to provide for the delivery of power under the terms of this Act, the said Jenison shall, from time to time, increase the capacity of such works as electrical power may be required in the Towns of Fort William and Port Arthur for all ordinary permanent business purposes, until all the power economically available at the said falls shall have been developed, and the said Jenison shall supply the same to the consumers in the said towns as the same may be from time to time required.

23. Section 3 of the Act passed in the 62nd year of the 62 V., c. 120, reign of Her late Majesty and chaptered 120 is amended by ^{s. 3, amended.} striking out the last three words in the said section and adding the following words "by arbitrators or arbitrator to be appointed under the provisions of section 20 of *The Railway Act of Ontario*, and in ascertaining the compensation to be paid to such owner, the arbitrators or arbitrator shall take into consideration and make an award on the basis of all the flow of water in any such intercepted stream or water course, and the increased flow (if any) that might be obtained by the owner by storage on his own lands or any lands in which he may acquire any privileges or rights above any water power on such intercepted stream or water course, and the arbitrators or arbitrator shall also take into account the expenditures (if any) made by the owner in connection with the improvement and development of such power."

Rev. Stat.,
c. 207.

24. Nothing in this Act or in any Act herein referred to shall be taken to authorize any interference with the right of way, line or works of The Canadian Northern Railway Company, as the successor of The Ontario and Rainy River Railway Company or otherwise, as now located or constructed between Port Arthur and Fort Frances, and the said company shall not be responsible for compensation, damages or otherwise in respect of such location or construction, or the operation of the said railway, to any greater or other extent than it would be or would have been responsible if this Act and the said other Acts had not been passed.

Rights of
Canadian
Northern Ry.
not to be in-
terfered with.

25. Nothing in this Act contained shall be taken or deemed to affect or impair the rights or powers of the Crown with respect to any of the lands or waters in this Act or in the said hereinbefore recited Acts mentioned or referred to.

Rights of
Crown pre-
served.

SCHEDULE A.

(Section 9.)

This agreement made in duplicate this 11th day of April, 1904, between Edward Spencer Jenison, of the first part, and the Corporation of the Town of Fort William, hereinafter called the Town of the second part.

Witnesseth that in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto covenant, promise and agree, each with the other, as follows:—

1. The said Jenison will establish at the Town of Fort William, the principal place of business, head offices and engineering offices in connection with the construction of the works and the development and the sale of power to be generated therefrom within three months from the execution of this agreement, and will maintain same at the Town of Fort William aforesaid.

2. After the institution of the necessary works to provide for the delivery of power at Fort William under the terms of this agreement, the said Jenison shall from time to time increase the capacity of such works as electrical power may be required in the Town of Fort William for any ordinary permanent business purposes, until all the power economically available shall have been developed.

3. The said Jenison shall be bound to furnish to the town such electrical power as may be generated from time to time at his hydraulic plant to the extent required by the town for the purposes hereinafter mentioned, at a price per horse power per annum to be fixed by the Lieutenant-Governor in Council, in case the parties hereto cannot mutually agree on same.

4. The purposes for which the Town may require electrical power hereunder are as follows :—For lighting and heating all municipal (including school) buildings ; for lighting residences, mercantile and commercial establishments in said Town ; for lighting the streets of the said Town ; for operating a street railway in the said Town ; for pumping purposes and otherwise to operate the waterworks and sewerage of the said Town now or hereafter constructed and for any other municipal purpose.

5. The said Jenison shall not, nor shall his customers or his lessees, have the right to sell, lease or otherwise dispose of or supply electric light or water or power to generate electric light for any municipal, domestic or commercial purposes in the Town of Fort William, nor shall the said Jenison, his customers or lessees in any way supply water in the Town of Fort William in competition with the Town during the existence of this agreement.

6. All provisions in this agreement shall be binding upon the successors and assigns of the said Jenison and upon any bondholders, liquidator, receiver, corporation or person, who may hereafter control or manage the said works and all such persons and corporations shall at all times be bound to carry out the stipulations and provisions of this agreement.

7. In the event of any difference arising as to the construction of this agreement or as to any matter or thing to be done or performed hereunder such difference shall be determined, if any party hereto so requires, by arbitrators appointed under and as provided by the terms of *The Municipal Act*.

8. No more favourable terms, conditions or rates shall be offered or given by the said Jenison in favour of any other municipality or place than those given to the town, nor shall any more favourable rates, terms or conditions be offered or given by the said Jenison in favour of any person, party or corporation in any other municipality or place than those given in the Town of Fort William.

9. Notwithstanding any provision contained in this agreement the Corporation of the Town of Fort William shall have the right to develop and produce electrical and other power, and may use, sell and lease the power so produced for any purposes whatsoever.

10. In the event of the said Jenison at any time ceasing to operate the said works so as to fully comply with the terms of this agreement then the Corporation of the Town of Fort William may, after thirty days' notice requiring the said Jenison to comply with this agreement and his failure to do so, take over such of the said works as may be necessary to fulfil all conditions of the said agreements at a value to be determined by arbitration under the provisions of *The Railway Act* by a sole arbitrator to be appointed by a Judge of the High Court of Justice of Ontario in case the parties hereto cannot agree.

In witness whereof the Corporate seal of the Town and the hands of its proper officers in that behalf and the hand and seal of the said Jenison.

Witness,	{	(Sgd.) The Corporation of the Town of Fort William, by its Solicitor and Counsel,
ALLAN M. DYMOND.		F. R. MORRIS. (Sgd.) EDWARD SPENCER JENISON.

CHAPTER 107.

An Act to empower Owen B. Van Epp to practice Medicine in the Township of Pelee.

Assented to 26th April, 1904.

WHEREAS the Island in Lake Erie known as Pelee Island Preamble. comprises the whole of the Township of Pelee, in the County of Essex, and is distant from the mainland about ten miles at its nearest point; and whereas the population of the said Island is about seven hundred persons and no practitioner qualified to practice medicine within Ontario has ever permanently taken up his residence on the said Island, nor practiced his profession there; and whereas a petition signed by about two hundred residents of the said Island, being nearly the whole of the adult population thereof, in support of an Act which will empower Owen B. Van Epp, of the said Township to practice medicine within the limits of said Island has been presented to the Legislative Assembly of the Province of Ontario, by which petition and by the petition of the said Owen B. Van Epp it was represented that it is impossible to secure a resident practitioner qualified to practice medicine within Ontario to take up his residence in the said Island; that owing to the isolation of the said Island from the mainland and the dangers of navigation in communicating with the said Island during the greater part of the year, it is impossible to obtain medical assistance from the mainland, and at all times, in emergencies, it is impossible to quickly obtain medical assistance and, in consequence, the health and lives of the inhabitants are endangered; that the said Owen B. Van Epp is a practitioner qualified to practice medicine within the State of Ohio and has taken a full course of four years in medical colleges of proper standing in the said State and has temporarily taken up his residence on said Island and has been requested by the whole of the adult population to remain upon the said Island and to practice his profession there, which, in case of his obtaining the proper authority he has consented to do; that the Medical Council of Ontario has been petitioned to grant this authority and to permit him to be registered under *The Ontario Medical Act* without undergoing any examinations, but this permission the Medical Council has refused to grant; and whereas the

Municipal Council of the Township of Pelee has passed a resolution approving of such legislation; and whereas the said Owen B. Van Epp has petitioned for an Act to empower him to practice medicine within the limits of said Township of Pelee; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Owen B. Van
Epp author-
ized to prac-
tice medicine,
surgery, etc.
in the Town-
ship of Pelee.
in the County
of Essex, on
conditions.
Rev. Stat.,
c. 176.

1. The said Owen B. Van Epp upon production of a Certificate of Qualification to practice medicine, surgery and mid-wifery within the State of Ohio, and a certificate of having passed the final examination established and conducted by the Council of the College of Physicians and Surgeons of Ontario shall without payment of the final fees be entitled to be registered under *The Ontario Medical Act* as a practitioner of medicine, surgery and midwifery within the limits of the Township of Pelee, in the County of Essex only, subject however to the other conditions and regulations applicable to the medical profession in Ontario.

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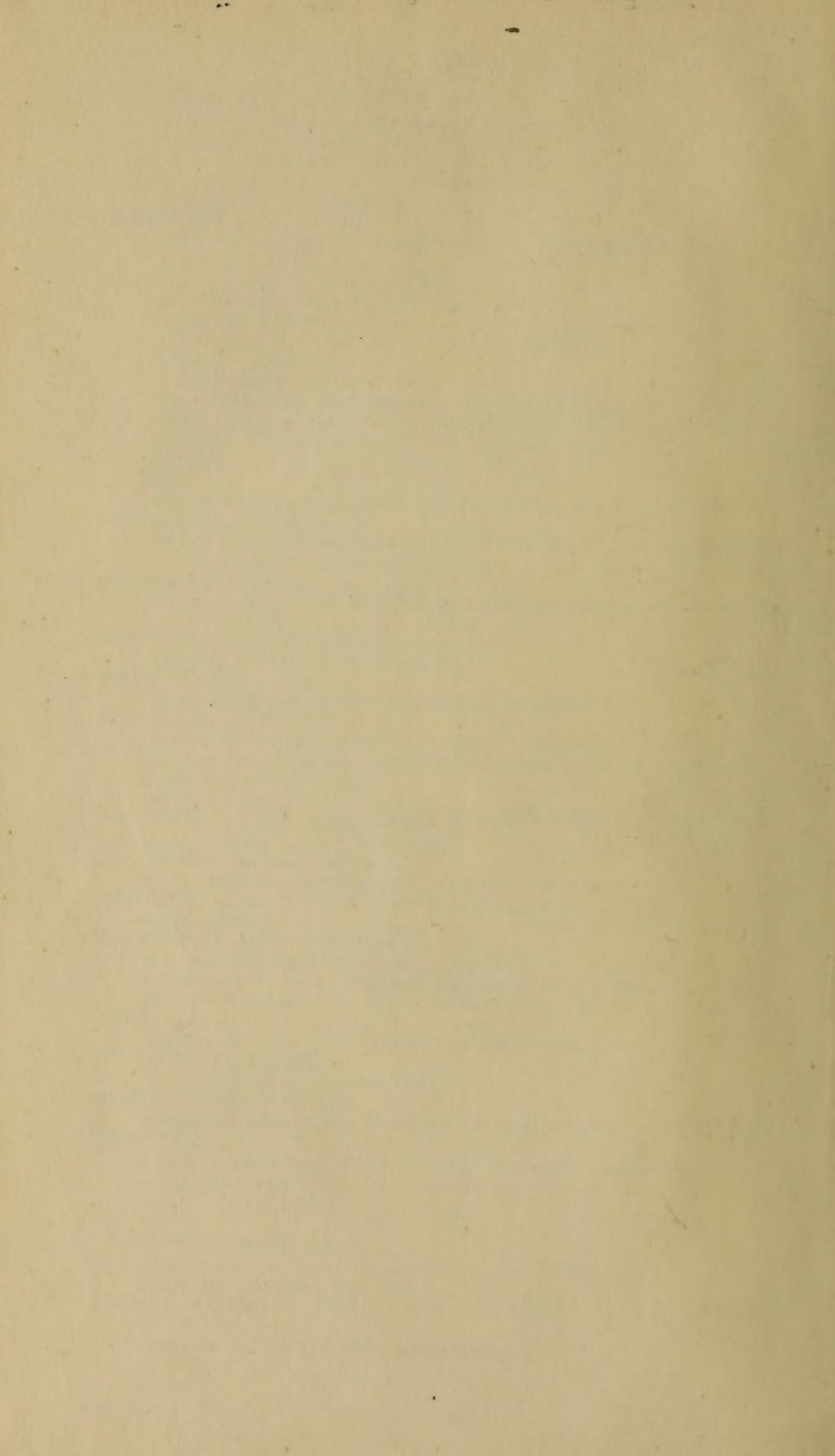
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